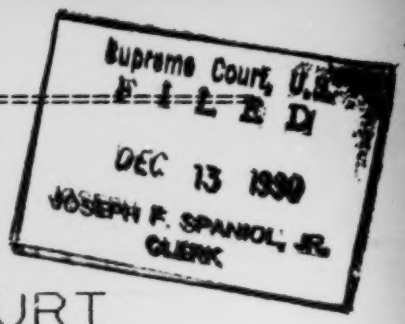
90-939

(1)



==========

NO:

IN THE

SUPREME COURT

OF THE

UNITED STATES

OCTOBER TERM 1990.

==========

VEDA NAYAK,

Petitioner (Plaintiff)

-against-

MCA, INC. et al,

Respondents (Defendants)

PETITION FOR A WRIT OF CERTIORARI

TO THE UNITED STATES COURT OF APPEALS

FOR THE FIFTH CIRCUIT.

VEDA NAYAK
4770, W. Bellfort,
Suite 285
Houston, TX 77035.
(713)684-6552.

==========

WRIT AND APPENDIX VOL.I

==========

EDITOR'S NOTE:

THE FOLLOWING PAGES WERE POOR HARD COPY AT THE TIME OF FILMING. IF AND WHEN A BETTER COPY CAN BE OBTAINED, A NEW FICHE WILL BE ISSUED.

==========

NO:

IN THE

SUPREME COURT

OF THE

UNITED STATES

OCTOBER TERM 1990.

==========

VEDA NAYAK,

Petitioner (Plaintiff)

-against-

MCA, INC. et al,

Respondents (Defendants)

PETITION FOR A WRIT OF CERTIORARI

TO THE UNITED STATES COURT OF APPEALS

FOR THE FIFTH CIRCUIT.

VEDA NAYAK
4770, W. Bellfort,
Suite 285
Houston, TX 77035.
(713)684-6552.
Petitioner Pro Se

==========

WRIT AND APPENDIX VOL. I

==========

QUESTIONS PRESENTED FOR REVIEW

The Respondents' (Defendants' hereinafter) film, "THE LAST TEMPTATION OF CHRIST",(LTC hereinafter) released nationally, and internationally, profanes the Deity of Jesus Christ by assassinating his well known biblical/historical character by defamatory falsehood. The film offends his spiritual family - the Petitioner (Plaintiff hereinafter) and many others in this nation; insults and injures them; interferes with,and infringes their freedom of worship, and disturbs their quiet peace and happiness.

The Court of Appeals for the Fifth Circuit, has held in this action that trial of religious issues would violate the First Amendment that determination of certain issues of fact such as the story of Jesus would be non-justiciable. The Court of Appeals reached this decision by misapplication of authorities of this court on establishment clause and freedom

of expression. The decision of the Fifth Circuit will also be in conflict,with the decision of the Second Circuit, in a comparable case,with Plaintiff's case.

If the decision below is allowed to stand, it would provide license for any motion picture producer/ distributor to exhibit another film version to defame Christ or other well known religious leaders by defamatory falsehood. Such a license, will provide a vehicle for one religious group controlling the mass media to insult another group for profit or vendetta, and the forum of justice will be closed to resolve such disputes. To avoid these consequences, Plaintiff urges the court to decide the following questions:

(a). Whether the Defendants can claim constitutional privilege of protected speech for their alleged profanity, obscenity and defamatory falsehood of Christ in their film LTC ? And whether the

contention of the courts below that the courts may not decide on a religious issue is right under all circumstances, especially when the Constitution does not forbid judicial cognizance of offences against religion and morality, interference and infringement of others' rights?

(b). Whether a comparison of the film, LTC, with the story of Jesus from the Gospels of the Bible, to determine Defendants' offences of profanity and character assassination of Christ in the film that insults, and injures Plaintiff and others, by itself invalidate the Establishment Clause?

(c). In a multi-religious/racial society, can constitutional guarantees of "domestic tranquility" and "welfare" be assured if one religious group, using mass media, insults the religious beliefs of another group, and claims shelter under first amendment?

The following are the interested parties and persons in the case: NAYAK v. MCA, INC., et al:

PETITIONER/PLAINTIFF PRO SE:

Veda Nayak
4770, W.Bellfort, Suite 285
Houston, TX 77035.
Tel: (713)684-6552.

RESPONDENTS/DEFENDANTS:

1. MCA, INC.
100, Universal City Plaza
Universal City, CA 91608.

2. CINEPLEX ODEON Corporation
U.S.Headquarters
1925, Century Park East,
Suite 300
Los Angeles, CA 90067.

3. Ben Drummond
Manager
Spectrum Theater
2660, Augusta
Houston, TX 77057.

4. CINEPLEX ODEON Corporation
Canada Headquarters
1313, Young Street
Toronto M4T2Y9, Canada.

Respondents/Defendants represented by:

James T. McCartt
SUSMAN GODFREY
Attorneys at Law
1000, Louisiana Avenue
Suite 5100
Houston, TX 77002-5096.
Tel: (713)653-7851.

TABLE OF CONTENTS

1. QUESTIONS PRESENTED FOR REVIEW ..... (i)

2. LIST OF INTERESTED PARTIES ..... (iv)

3. INDEX OF AUTHORITIES ..... (vi)

4. GROUNDS FOR A WRIT OF CERTIORARI 1

5. STATEMENT OF FACTS 7

6. STATEMENT OF PROCEEDINGS IN COURTS BELOW 16

7. ARGUMENT: POINT I 23

8. ARGUMENT: POINT II 46

9. ARGUMENT: POINT III 56

10. CONCLUSION 61

INDEX OF AUTHORITIES

Page

1. Abington School District v. Schempp, (1963), 374 U.S. 203, 83 S.Ct. 1560 6,48

2. Arenas v. United States, 322 U.S. 419 45

3. Bindrim v. Mitchell, App., (1979) 155 Cal. Rptr. 29, (cert. denied, 444 U.S. 984) ... 6,49,51

4. Chaplinsky v. New Hampshire, (1942), 315 U.S. 568 2,32

5. City of Georgetown v. Scurry, 90 S.Ct. 346, 73 S.E. 353, ... 26

6. Constitution of the U.S:Preamble .. 58

7. Davis v. Beason, (1889), 133 U.S. 333 22,30,35

8. FCC v. Pacifica Foundation, (1978) 438 U.S. 726 4,39

9. Gertz v. Robert Welch Inc.,(1973), 418 U.S. 323 4,36

10. Herbert v. Lando, (1979), 441 U.S. 153, 99 S.Ct. 1635 4,36

10. Joseph Burstyn, Inc. v. Wilson, (1952), 343 U.S. 495 19,23,51,59

11. Kovacs v. Cooper,(1949), 336 U.S. 77, 69 S.Ct. 448 35

12. Land v. Dollar, 330 U.S. 731 45

13. Larson v. Valente,(1982), 456 U.S. 228, 102 S.Ct. 1673 3

INDEX OF AUTHORITIES(Cont'd) Page

14. Lynch v. Donnelly, (1984), 465 U.S. 668, 104 S.Ct. 1355 ..... 2,21, 34,58

15. Marsh v. Chambers,(1983), 463 U.S. 783, 103 S.Ct. 3330 3,32

16. Miller v. Cal, (1973), 413 U.S. 15 40

17. The People v. Ruggles, (1811 NY), 8 Johns, 290 3,25,26,38

18. Roth v. United States 354 U.S. at 476 40

19. Rowan v. Post Office Dept., 397 U.S. 728 39

20. Saranoff et al v. Claglia, (1947), 165 F.2d 167 45

21. Schneck v. United States, 249 U.S. 47 36

22. State v. Mockus,(1921), 120 Me 84, 14 A.L.R., 871 3,26,48

23. Times Film Corp. v. Chicago, (1961),365 U.S. 43 55

24. United States v. Ballard,(1944), 322 U.S. 78 19,21,22,41,43

25. Watson v. Jones, (1871), 13 Wall 679 22,41

26. Williford v. People of California, (1965), 352 F.2d 474 45

27. Winters v. New York,(1948), 333 U.S., 507 21

28. Zorach v. Clauson,(1952), 343 U.S. 306 3,21,60

GROUNDS FOR A WRIT OF CERTIORARI

This Writ for Certiorari to review the Vth Circuit judgment dated September 17, 1990, Page 1-5 of the Appendix, is filed under Rule 10(1)(c) of the Supreme Court rules. The District Court, Texas Southern District, Houston Division, dismissed summarily the Plaintiff's complaint under Rule 12(b)(6), and the Court of Appeals affirmed that judgment, holding that the trial of religious issues raised by the Plaintiff, who sought to enjoin Defendants film, THE LAST TEMPTATION OF CHRIST, would violate First Amendment, and that interpretation of the life of Christ is not a justiciable issue.

Plaintiff's Writ of Certiorari for the Vth Circuit rests on the following grounds:

(1). Trial of profanity of the Deity of Christ by defamatory falsehood in Defendants' film, that insults and injures; interferes and infringes on the freedom of worship and religion of the

Plaintiff and others of Christian persuasion in this nation, will not violate First Amendment.

The film LTC is an exposition of "profane and libelous, lewd and obscene" matter which assassinates falsely, the character of Jesus Christ. Comparison of selected elements of profanity in the film with the New Testament appears at page 289-297 of the Appendix. Such speech has been held by the Supreme Court as "no part of any exposition of ideas" and have no redeeming social value. Any benefit that may be derived from that is "clearly outweighed by the social interest in order and morality." Chaplinsky v. New Hampshire,(1942), 315 U.S. 568, 571-572.

The contention of the courts below that no court may decide on a religious issue is in error, since the Constitution does not forbid judicial review of disputes that have religious significance: Lynch v. Donnelly,(1984),465 U.S. 668,

678, 104 S.Ct. 1355, 1362 (In determining whether governmental activity violates establishment clause, inquiry calls for line drawing, no fixed per se rule can be framed); Marsh v. Chambers,(1983), 463 U.S. 783, 103 S.Ct. 3330 (Prayers in State legislature offered by paid chaplains is not establishment of religion); Zorach v. Clauson,(1952), 343 U.S. 306, 313, (We are a religious people whose institutions presuppose a Supreme Being.); Larson v. Valente,(1982), 456 U.S. 228, 102 S.Ct. 1673, (Constitutional guarantee does not discriminate against a particular church.)

Also, the establishment clause is no bar against those offences that are against religion and morality: The People v. Ruggles, (1811 NY), 8 Johns at 296, and the first amendment will not be invalidated for punishment of common law offences such as profanity of Deity: State v. Mockus,(1921), 120 Me 84, 14 A.L.R. at 877-878. Both these cases cited, Supra,

profaned and defamed Jesus Christ, similar to Defendants' film.

Profanity and character assassination of Jesus Christ in Defendants' film LTC, Pages 289-297 of the Appendix that offends the Plaintiff and other people of Christ, has no protection under First Amendment because it is false, and such false statement of facts has no constitutional value, and carries no first amendment protection, Herbert v. Lando, (1979), 441 US 149, 153, 99 S.Ct. 1635, 1636; Gertz v. Robert Welch Inc.,(1973), 418 U.S. 323 at 340, 94 S.Ct. at 3007.

Profane and obscene material has no value as speech, has no constitutional protection and has been determined to be especially harmful to the morality and well being of minor children: FCC v. Pacifica Foundation, 438 U.S. 726 at 748-749. Telecommunications transmission of obscenity in Defendants' film involving a minor child: Page 295-296 of the Appendix,

which can be seen by young children on video, cable and T.V., will corrupt the morals of those children. Such broadcasts worldwide can corrupt greater number of young children, whether they are Christian or not, as the film shows Jesus Christ, the Savior of mankind as immoral and a sinner.

(2). The Vth Circuit's contention that interpretation of the story of Christ is non justiciable, Page 5 of the Appendix, is also an error. First, Plaintiff has not specifically asked the court to make such an interpretation. Plaintiff submits that there is no need to make one as the Bible is the standard of truth as far as the story of Jesus is concerned, and the Gospels lay out his story clearly. Therefore, such a well structured and well written story from the King James version, for example, can be compared by a jury with the Defendants' film, to determine alleged offences of the Defendants. Study

of the Scriptures for educational or research purposes is not forbidden by the Establishment Clause. In Abington School District v. Schempp,(1963), 374 U.S. 203, 225, 83 S.Ct. 1560, 1573, although the Supreme Court struck down the practice of Bible readings in public schools, it did not invalidate study of the scriptures for educational or comparative religious study purposes. Such comparison which by task is a secular exercise, to facilitate a fair trial, will not by itself amount to establishment of a religion. Also in Bindrim v. Mitchell, App., 155 Cal. Rptr. 29, (cert. denied, 444 U.S. 984), the Court of Appeals, 2nd Circuit, held that obscenity with defamatory falsehood was a punishable offence, which is comparable to the obscenity elements in the Defendants' film, LTC. In Bindrim, Supra, comparisons were made by a jury between two characters,Bindrim and a fictitious character from the book, "Touching", to

determine defamatory falsehood, e.g., Pages 298-300 of the Appendix. Therefore, a comparison between the film character of Jesus and the Bible character of Jesus, by a Jury, would not invalidate the Establishment Clause.

STATEMENT OF FACTS

This case was filed with a request for JURY TRIAL in the United States District Court, Southern District of Texas, Houston division; Case No: 2965, filed on August 10, 1989, under the First, Fifth and fourteenth Amendments to the Constitution and other fundamental rights of the Constitution Jurisdiction was asserted under Title 28 U.S.C. #1392, based on diversity of citizenship.

PARTIES: Plaintiff Veda Nayak is an individual residing and doing business in Harris County, Texas. Defendant MCA, INC. is a corporation organized under the laws of the State of California. Defendant MCA, INC. is the owner or parent company of

Universal Pictures and Universal Pictures International, which make and distribute motion pictures in the United States and abroad. Defendant Cineplex Odeon Corporation (USA) is also a corporation organized under the laws of the State of California, and is in the business of financing, distributing and exhibiting motion pictures. Defendants MCA, INC and CINEPLEX ODEON (USA),(Principal Defendants hereinafter), produced and distributed the film, "THE LAST TEMPTATION OF CHRIST" (LTC) in the U.S. and other countries abroad, beginning from August,12, 1988. Defendant Cineplex Odeon (Canada) is a corporation organized under the laws of the State of Ontario, Canada, who owns a number of movie theaters in the U.S. and Canada, which exhibited the film, LTC in some theaters. Defendant Ben Drummond was an employee of Defendant Cineplex Odeon (Canada) and was Manager of Spectrum

Theater in Houston, Texas, where the film was exhibited.

THE FILM CONTROVERSY: The disputed film, LTC, which starred Willem Dafoe and Barbra Hershey, and directed by Martin Scorcese was shot on location in Morocco. To suppress the identity of the film, Principal Defendants titled the film, THE PASSION during location shooting. By about the middle of 1988, the real title of the film, LTC, came to be known, when widespread objections to the film arose from the Christian public and leaders from all parts of the U.S., some of whom had access to the script of the film, which apparently profaned and defamed Christ falsely by character assassination. Afraid of possible injunctions, but bent on releasing the objectionable film, Principal Defendants moved the date of release of the film from September, 1988 to August,1988, which further infuriated the Christian public. When the film was

finally released in the U.S. on August 12, 1988, there was a furor of protest and demonstrations in the cities where the film was released. Press reports, Pages 6-33 in the Appendix summarize the social unrest brought about by the offending film.

THE CONTENTS OF THE FILM: Plaintiff, a Christian by religious faith, saw the film and was deeply offended and injured by the film, which was an expression of woeful obscenity, an outrageous profanity and a shameful slander of Christ. The film begins with a blasphemous introduction of Jesus as a traitor, making crosses for the Romans to crucify his own people, a man so demented that he throws himself down with violent fits, a crazy man who hears strange voices, a confused, fear ridden man who has a very low opinion of himself. Who apparently pushed his childhood love, Mary Magdalene, into harlotry because he would not dare to marry her. It was all

too late when he meets her at her brothel, where he witnesses Magdalene in the midst of a violent sexual orgy with men of all nations. Magdalene makes Jesus feel guilty for her lot, and he asks her forgiveness, which she refuses to give, and she despises him.

Jesus' confusion and cowardly spirit continues through his association with his raggedy band of disciples of whom Judas is portrayed the more daring and zealous. Jesus shows his aversion to the voice of God that speaks to him, and wants God to hate him and often behaves as though he was possessed by an evil spirit. While staying in an ascetic community, Jesus confesses to a man that he was a liar, a hypocrite and possessed by Lucifer, who told him that he was the son of God, God himself. Jesus doesn't even know clearly, his own mission, and rambles through a rough and dream like life with sporadic

miracles, quite ignorant of the source of his own powers.

It's only at the Jerusalem Temple, before the Passover, Jesus seems to gain some strength to do a courageous act and throws out the money changers and the merchants, which gives some confidence to Judas that Jesus may well be the Jewish messiah. But this vanishes when Jesus implores Judas to betray him so that he may die and fulfil the Old Testament prophecies. And Jesus confesses to Judas that his death will pay for his own sins!

The most glaring profanity and obscenity happens in a half-hour sequence when Jesus, in a dream, walks out of the cross from Golgotha where he is crucified, and enters into a fantasy land to do what was always in his mind and that was, to make love to Mary Magdalene, skin to skin and body to body, with a child of 10 years old, an angel, watching the sexual scene, which Jesus permits! Magdalene dies

thereafter and Jesus meets Mary and Martha, the sisters of Lazarus. He marries Mary and has children by her. Then one day, when Mary was out, he commits adultery with her sister Martha, and all of them live together. Jesus seems to love this polygamous life and he fathers more children when suddenly, he is taken by the angel back to the cross and there he dies, followed by nothing. No resurrection and no ascension.

The film degrades Jesus, as a man with serious mental problems, who hardly knew his divine connection, a man so reluctant to shoulder his messianic responsibility. Unlike the gospels of the Bible which reveals GOD becoming man and leading a perfect, sinless life, the film LTC shows Jesus as an imperfect man struggling to become something which he doesn't even know. Instead of asserting that he is a savior of sinners as the Scriptures say, he is characterized as a

sinner himself by his own confession. To prove his sinful nature through his own mind, the final scenes of the film show Jesus as a man of flesh revelling in low sexual passions and adultery, thus demolishing the biblical honor accorded to him: the Savior, the Spirit of truth and the Son of God.

PUBLIC REACTION TO THE FILM: Selected opinion of this film may be relevant here to show how people who viewed the film or read the script felt about the profanity and character assassination of Christ in this film; some of them taken from newspaper reports. Extracts at Pgs 6 to 33 of the Appendix.

> "The Jesus depicted in this movie is not the Jesus of the Bible." (Oliver Milton, Woodland Hills, CA.)
>
> "A movie company that would dare to make fun of the Creator of the Universe." (Roosevelt Grier, former football star.)

"Human decency and ethical standards should keep all people respecting each others' religions." (Dr. Maher Hathout, Islamic Society.)

"Damaging to the image of Christ. He cannot be made the object of low fantasies " (Franco Zefferelli, Italian film director.)

"Neither the label 'fiction' nor the First Amendment gives Universal the right to libel, slander and ridicule the most central figure in world history." (Jerry Falwell, Lynchburg, VA).

"It's the most serious mistake a studio has made in decades."(Tim Pinland, ex Public Relations consultant to MCA, INC.)

"As for THE LAST TEMPTATION OF CHRIST, the first commandment given by God concerns the honor to be accorded God who warns: "Thou shalt have no other gods before me " Whatever Gods

the producers of this vile movie were serving (the God of the fast buck, whose shrine is the box office?), their blasphemous assault on God's only begotten son offends God and should offend all decent minded men." (Senator Jesse Helms, letter dated September 21, 1989, from Senator Helms to the Plaintiff, Page 31-33 of the Appendix.)

STATEMENTS OF PROCEEDINGS IN COURTS BELOW

In his complaint to the District Court which requested a Jury trial, Pages 34 to 77 in the Appendix, Plaintiff detailed selected profanity of the film by defamatory falsehood of the character of Jesus Christ, alleged interference and infringement of freedom of worship and religion, and resultant injury to Plaintiff and other people of Christ. Plaintiff submitted that such assassination of the character of Christ was with malice, as it was carried out by a group of people of Jewish faith, who are

opposed by tradition to Christian faith, who by and large controlled the Defendants' companies, and who knew the film was false. Plaintiff also alleged the harm, confusion and demoralization that such a film can have on minor children in Christian families, who may happen to see the film in non-theatrical media, as the Defendants were releasing the film through video, TV and cable. Plaintiff prayed to enjoin the Defendants' film in all media, in all territories of the world through a permanent injunction. Plaintiff submitted an Affidavit to the District Court on December 19, 1989, affirming the principal elements of the complaint to be true, Pages 142-150 of the Appendix.

Defendants filed a motion to dismiss Plaintiff's complaint in the District Court on November 29, 1989, under Rule 12 (b)(6); Pages 95-103 of the Appendix. In their motion to dismiss, the Defendants did not deny Plaintiff's substantive

allegations of defamatory falsehood of Deity, and resultant injury to the Plaintiff and other people of Christ. But they included an allegation which the Plaintiff did not allege, and that was, that Plaintiff said the film was "sacrilegious," Page 95 of the Appendix. Defendants held that it would violate the Constitution for any court to try the case, that the Plaintiff read the Bible one way and asserted that the film's interpretation of the life of Christ was different. that it defamed Christ and God, and that in order to resolve the Plaintiff's claim, the Court would have to determine the true story of Christ. Defendants claimed that courts may not decide religious issues and that Plaintiff's claim is non-justiciable.

Plaintiff filed a response to Defendants' Motion to Dismiss, Pages 104 to 141 of the Appendix, that Defendants' petition to dismiss cannot be held on

constitutional grounds. Plaintiff distinguished that his basic assertions in his complaint were "issues of fact" and not of "opinion," which only a trier of fact can determine, and therefore may not be disposed of on a summary basis. Plaintiff asserted that he did not say the film was a "sacrilege" as sacrilege did not relate to the Deity person, but to sacred things: Joseph Burstyn, Inc. v. Wilson (1952), 343 U.S. 495, 523-524, but reiterated that the film was a defamatory falsehood. Plaintiff asserted that he did not subscribe to a particular theology, and did not read the Bible one way. Plaintiff said that he relied on the standard of truth which is the Gospel and the Bible, which reveals the defamatory falsehood of Defendants' film. Plaintiff also distinguished that the two main citations quoted by the Defendants, United States v. Ballard, 322 U.S. 78 and Joseph Burstyn, Inc. v. Wilson, 343 U.S. 495 were

misplaced and inapplicable to the Plaintiff's case. He also refuted Defendants' claim that Plaintiff was not entitled to any relief under Texas defamation law, as Jesus Christ was dead and Plaintiff was not claiming defamation to his own reputation. Plaintiff claimed that Jesus Christ was not dead and was alive. Christ, the Creator of the Universe was indeed alive and he was his Spiritual Father, and that Texas state law was not applicable to him. Plaintiff gave citations in his favor for jury trial on issues of fact: Pages 137-141 of the Appendix.

The District Court dismissed Plaintiff's complaint on a summary basis without a hearing and without an opinion, Page 151 of the Appendix, whereupon the Plaintiff appealed to the Court of Appeals, Vth Circuit on April 7, 1990: Plaintiff's Brief in Appendix, Page 152-218. Plaintiff's main argument was that

the lower court erred in holding Defendants' plea that it would violate the Constitution for any court to try his case. Plaintiff claimed that a trial of his case would not invalidate the establishment clause and cited: Winters v. New York,(1948), 333 U.S., 507, 515 (Acts of gross and open indecency or obscenity, injurious to public morals, are indictable at common law); Lynch v. Donnelly,(1984) 465 U.S. 668, 674 (Constitution mandates accommodation of all religions); Zorach v. Clauson,(1951), 343 U.S. 306, 312-315 (No callous indifference to religious groups and no partiality to one group). Plaintiff pointed out that Defendants' film was contrary to the spirit of religious tolerance mandated by Constitutional law, Lynch, Supra, and that the Establishment Clause can be no bar to try Plaintiff's case, again quoting Lynch v. Donnelly, Supra, Pages 674-678. Plaintiff also challenged U.S. v. Ballard,(1944) 322 U.S.

78, 86-87, and quoted Davis v. Beason, (1889), 133 U.S. 333, 342, which restricted freedom of religion that infringed on laws of morality and common law, Pages 199-200 of the Appendix. The Defendants reply brief was a repetition of their pleas at the District Court, Pages 219-234 of the Appendix. On September 17, 1990, Chief Judge Clark of the Vth Circuit delivered the opinion, Page 1-5 of the Appendix, affirming summary judgment of the District Court. The opinion held that (a) trial of religious issues would violate the First Amendment, quoting Watson v. Jones, (1871), 13 Wall 679, 728. (Law knows no heresy and supports no sect) and United States v. Ballard,(1944) 322 U.S. 78, 86, 64 S.Ct. 882, 886, 88 L. Ed 1148 (1944). (Right to freedom of thought and belief and that heresy trials are foreign to our Constitution.)

(b). The Plaintiff asked the court to decide the correct interpretation of the

life of Christ,which is not a justiciable issue. The Vth Circuit cited Joseph Burstyn, Inc. v. Wilson, 343 U.S. 495, 505, 72 S.Ct. 777, 782, 96 L. Ed, 1098 (1952). (It is not the business of government to suppress real or imagined attacks upon a particular religious doctrine.)

ARGUMENT I

Trial of Defendants' alleged offences in the film, LTC that are against Deity, religion and morality that insult and injure the Plaintiff, and many others in this nation will not invalidate the Establishment Clause.

A.

As mentioned above, Defendants have not denied, both in the District Court and the Court of Appeals, Plaintiff's allegations of profanity and defamatory falsehood of the film, LTC, and resultant insult and injury, interference and infringement of freedom of worship of

Plaintiff and others, included in the original complaint by way of excerpts from the film and biblical passages that compare the assassinated character of Christ in LTC with the biblical character of Christ: Pages 45-59, 78-94 of the Appendix. A direct comparison of glaring profanity and obscenity in the film is included in Appendix, pages 289-297, Supra, which compares excerpts from Defendants' film LTC, with the New Testament of the Bible. The major elements of profanity and obscenity in the film, LTC, which constitute character assassination are:

(a). Jesus the traitor (b). Jesus who is ignorant of his own mission and who fights God, the Father (c). Jesus asking forgiveness for moral turpitude (d). Jesus Christ possessed by Lucifer and is a liar (e) Jesus confesses that he is a sinner and says he will die for his own sins (f).

Jesus fulfills his lust with Mary Magdalene (g). Jesus commits adultery.

B.

Definition of Profanity: In West's Words and Phrases, Profanity is defined as a form of Blasphemy. "Profane" is defined as the use of words denoting irreverence of God and holy things, blasphemous. "Blasphemy consists of maliciously reviling God or religion, wantonly, wickedly and maliciously uttering in the presence of others, the words, "Jesus Christ was a bastard,", etc: The People v. Ruggles, (1811 NY), 8 Johns 290, 292, 5 Am Dec. 335. The offence under Rev.Stat.chap. 126, Sec 30 can be committed either by using profusely reproachful language against God or by contumeliously reproaching Him, His creation, government, final judgment of the world, Jesus Christ, the Holy Ghost or the Holy Scriptures as contained in the canonical books of the Old and New Testament, or by exposing any

of these Beings or Scriptures to contempt or ridicule, and it is not necessary to prove the doing of all of the offences: State v. Mockus, (1921), 113 A. 39, 120 Me 84, 14 A.L.R., 871. Also in City of Georgetown v. Scurry, 90 S.Ct. 346 73 S.E. 353, 354, the Supreme Court said "It is true that profane language is irreverent toward God or holy things." Also, a definition of Christianity gives a historical perspective of the offence of profanity; See Pages 301-304 of the Appendix.

C.

In spite of many offenders who claim that punishment against profanity and blasphemy violated their freedom of speech or freedom of religion, courts have held that such speech was offensive at the common law. Chester J. Antieau, Freedom of communication and Religion: Section 1:47 Vol 1, Pg 79-80.

(1). **Profanity and Blasphemy of Christ are common law offences:** In State v. Mockus,(1921), 120 Me. 84, 14 A.L.R at 876-877, Michael X. Mockus profaned,and blasphemed Jesus Christ and the Holy Scriptures. Mockus was punished for his profanity,and blasphemy on the birth of Christ and the Bible, and his reviling against God and religion. The Maine Supreme Court held that such profane speech was offensive and was not protected by the first amendment. It said:"It is farthest from our thought to claim superiority for any religious sect, society, or denomination, or even to admit that there exists any distinct, avowed connection between church and state in these United States or in any individual state; but, as distinguished from the religions of Confucius, Gautama, Mohammed, or even Abram, it may be truly said that, by reason of the number, influence, and station of its devotees within our

territorial boundaries, the religion of Christ is the prevailing religion of this country and of this state. With equal truth may it be said that, from the dawn of civilization, the religion of a country is a most important factor in determining its form of government, and that stability of government in no small measure depends upon the reverence and respect which a nation maintains toward its prevalent religion..... In view of all these things, shall we say that any word or deed,which would expose the God of the Christian religion, or the Holy Scriptures, 'to contempt and ridicule,' or which would rob official oaths of any of their sanctity, thus undermining the foundations of their binding force, would be protected by a constitutional religious freedom whose constitutional limitation is non disturbance of the public peace? We register a most emphatic negative. "

The Maine Supreme Court said further, Page 877, Mockus Supra, that such profane speech will not amount to any serious or decent discussion of a religious topic, and therefore, was not entitled to any protection under the Constitution. So also, Plaintiff submits, the Defendants film is neither a serious nor decent discussion of facts, and its protection will violate laws of morality,and the constitutional purpose of reverence to Deity and respect to all religions.

(ii). Establishment Clause no bar to punish common law offences: The First Amendment to the Constitution forbids a union between church and state, but does not sanction offences against religion or morality, as seen in Mockus, Supra. This principle,can be traced from earlier times to more recent times in this Republic, especially,on the issue of profanity. In The People v Ruggles, (1811 NY), 8 Johns at 296, Chief Justice Kent of the New York

Supreme Court said: "Though the Constitution has discarded religious establishments, it does not forbid judicial cognisance of those offences against religion and morality, which have no reference to any such establishment, or to any particular form of government, but are punishable because they strike at the root of moral obligation, and weaken the securities of social ties." This principle of freedom with respect for others' rights and laws of society and morality continued in this Republic. And in Davis v. Beason (1889), 133 U.S. 333 at 342, the Supreme Court said that the first amendment was intended to provide everyone religious freedom in the personal belief, and worship of Almighty God, and to "exhibit his sentiments in such forms of worship not injurious to the equal rights of others." The Court said further that it was the oppressive measures adopted by governments in Europe, for many years, to conform to

certain pattern of worship and religious belief that led to the adoption of the amendment in question. But it was not intended that, "the amendment could be invoked as a protection against legislation for the punishment of acts inimical to the peace, order and good morals of society." While no interference in individual religious freedom may be permitted, it is still subject to the "laws of society, designed to secure its peace and prosperity, and the morals of its people" It is thus clear that any dispute that arises outside the realm of personal religious freedom, such as those that are "injurious to the equal rights of others" and that which "violates the laws of society, designed to secure its peace, and prosperity and morals of its people" is naturally justiciable, and Plaintiff's case falls in this category.

The constitutional principle of freedom with restraint, continued over the

years, and the Supreme Court held in Chaplinsky v. New Hampshire,(1942), 315 U.S. 368, 571-572 that punishment of certain speech will be no bar to the Establishment Clause, such as "the lewd and the obscene, the profane and the libelous, insulting or 'fighting' words, those which by their very utterance inflict injury or tend to incite an immediate breach of the peace", and therefore, such speech would not be protected by first amendment, and would be regulated in the interest of social order and morality.

Plaintiff submits that the offensive expressions in Defendants' film, constituting assassination of character of the sacred Deity of Jesus Christ, has inflicted injury to the Plaintiff and many others of the family of Christ in this nation, and Defendants have no privilege to do so under the first amendment.

(iii). Religious issues per se no bar to Establishment Clause: More recent cases decided by the Supreme Court invalidate the claim that trial of religious issues raised by the Plaintiff are non-justiciable. In Marsh v. Chambers, (1983), 468 U.S. 783, the Supreme Court heard an establishment issue,and allowed paid chaplains to say prayers in the Nebraska legislature,and invalidated a claim from a non-Christian interest that such prayers constituted establishment of religion. The Supreme Court, in deciding this case, reviewed the religious heritage of this nation, going back to over 200 years, when paid chaplains were appointed by the first Congress after declaration of independence.

Plaintiff submits that applying this principle of preserving constitutional traditions, the sanctity of the Bible is of prime importance, which most people in this nation hold as the truth; as the word

of God, and it is the source of most civil codes, and the governing principles of community life and personal conduct. It is this sacred book that has been slighted and ridiculed by a gross misrepresentation of the life and times of Jesus Christ by the Defendants in their film, which is an offence to this nation as a whole.

In Lynch v. Donnelly, (1984), 465 U.S. 668, 678, the Supreme Court, further expanded the flexibility in dealing with establishment issues, especially, where it relates to religious heritage, and culture that have a bearing on secular goals of government, and the need to preserve time honored traditions that have assured public service and welfare without any conflict. The Supreme Court favored line drawing on establishment issues on a case by case basis, and that an "absolutist approach" in applying the Establishment Clause is "simplistic and has been uniformly rejected by the Court."

Plaintiff submits that the courts below have adopted a rigid line in deciding that just because the issue related to a religious figure, it automatically meant establishment of religion, without probing into the merits of the case, especially alleged common law violations by the Defendants

(iv). Infringing others' rights: Besides Davis v. Beason, (1889), 133 U.S. 333 at 342, id. at pg 30, the Supreme Court has also confirmed the principle that right to speech is not absolute when it interferes with others' rights to freedom of worship and religion: Kovacs v. Cooper,(1949),336 U.S. 77, 88, 69 S.Ct. 448, 454: "To enforce freedom of speech in disregard of the rights of others would be harsh and arbitrary in itself."

(v). False Speech unprotected: Defendants' film LTC is a false story designed to propagate a religious view that the God of the Christians was a sinner and he is no

savior of sinners, which is contrary to biblical truth. Defendants have no basis to say this, and they well know that they cannot substantiate such an outrageous lie and blasphemy. The Supreme Court has held that such defamatory falsehood has no protection under first amendment:

(a) "The most stringent protection of free speech would not protect a man in falsely shouting fire in a theater and causing panic..." Justice Holmes in Schneck v. United States, 249 U.S. 47, 52.

(b) "There is no constitutional value in false statements of fact." Gertz v. Robert Welch, 418 U.S. 323, 340

(c) "Those who publish defamatory falsehoods,with the requisite culpability, however, are subject to liability, the aim being not only to compensate for injury but also to deter publication of unprotected material threatening injury to individual reputation." Herbert v. Lando,

(1979), 441 U.S. 153, 172 and 99 S.Ct. 1635, 1646.

A comparison of the Defendants' film, with the well known story of Jesus, from any one of the Gospels will show that the film is a defamatory falsehood and therefore, has no first amendment protection.

(vi). Effect of obscenity on young children: The film LTC is also an attempt to exploit commercially, by a false and obscene exposition of the sexuality of Jesus, with the involvement of a minor child. A ten year old child in the film, supposed to be an angel, sees Jesus having sex with Mary Magdalene.

Such a film would corrupt not only young Christian children, but also any child, whether, in this nation or any other nation, where, this film will become available, because, it carries a subtle message to children that it is all right to lie, to sin, and to commit adultery

because, a great man like Jesus did all of it. The film also promotes a dubious sense of values that greatness doesn't have to go with all the virtues it demands. Exposing young children to such profanity was condemned in The People v. Ruggles, (1811 NY), 8 Johns at 294-295; the New York Supreme Court said: "We stand equally in need, now as formerly, of all that moral discipline, and of those principles of virtue, which help to bind society together. The people of this state, in common with the people of this country, profess the general doctrines of christianity, as the rule of their faith and practice; and to scandalize the author of these doctrines is not only, in a religious point of view, extremely impious, but, even in respect to the obligations due to society, is a gross violation of decency and good order. Nothing could be more offensive to the virtuous part of the community, or more

injurious to the tender morals of the young, than to declare such profanity lawful."

More recent decisions of the Supreme Court, have also declared that such obscenity is unlawful, and injurious to the moral welfare of young children. In FCC v Pacifica Foundation, (1978), 438 US 726 at 748-749, the Supreme Court said: "Patently offensive, indecent material presented over the airwaves confronts the citizen, not only in public, but also in the privacy of the home, where the individual's right to be left alone plainly outweighs the First Amendment rights of an intruder. Rowan v. Post Office Dept., 397 U.S. 728."

Defendants' film through cable, TV and video, will expose young children to obscenity that may be demoralizing, since what they have learnt about Jesus in their Sunday school would be so different from what they would see on the TV screen about

Christ, and can set up an unnecessary conflict in their impressionable minds. Which version would they believe? And why should their God be shown in such dim light over the air waves? This might lead to anti-racial or religious feelings in the minds of these young Christian children against those who profaned their cherished Savior and friend of their childhood - a social repurcussion that may be unhealthy, and detrimental to the welfare, peace and happiness of all people in this Republic.

In general, obscenity is not protected speech under the First Amendment and is punishable by common law: Roth v. United States 354 U.S. at 476, (Profanity and obscenity were related offences); Miller v. Cal, (1973), 413 U.S. 15, 30. Plaintiff submits that applying Miller's Test, prescribed in Miller, Supra, the Defendants' film may very well pass the test for obscenity, as it profanes and

degrades the God of the Christians, in repulsive sexual acts and offensive characterization. The film is a defamatory falsehood, and has no redeeming social value.

D.

DISTINGUISHING COURT OF APPEALS CITATIONS:

The Court of Appeals, Vth Circuit, in affirming the District Court's summary dismissal of Plaintiff's complaint, cited Watson v. Jones, (1871), 13 Wall 679, 20 2. Ed 666 and U.S. v. Ballard, 322 US 78, 86; 64 S.Ct 882, 886, 88 L.Ed 1148(1944), to substantiate its decision that no court can try Plaintiff's case that raises a religious issue. See Appendix, Pages 1-5.

(1). Watson v. Jones, (1871), 13 Wall 679 supra, is a church property dispute brought about by dissensions within the Kentucky Presbyterian church, which came to civil courts for arbitration. This has no relevance to the Plaintiff's case, as neither the Plaintiff, nor the Defendants,

were at anytime a part of the same church, or denomination, or sect. In fact, Plaintiff and majority of the principal officers of Defendants belong to two different faiths: Christianity and Judaism. The cited reference by the Court of Appeals thus has no significance to the Plaintiff's case, as he has no such property dispute with the Defendants. Besides, none of the parties in Watson slandered or profaned the Deity, and there was no issue of first amendment privilege or abuse of it in that case. To get the proper context and limitations of the citation, Supra, it would be necessary to read a greater part of that citation. But the following extract may suffice, Watson, Pg 728-729: "In this country the full and free right to entertain any religious belief, to practice any religious principle and to teach any religious doctrine which does not violate the laws of morality and property, and which does

not infringe personal rights, is conceded to all. The law knows no heresy, and is committed to the support of no dogma, the establishment of no sect. The right to organize voluntary religious associations to assist in the expression, and dissemination of any religious doctrine, and to create tribunals for the decision of controverted questions of faith, within the association, and for the ecclesiastical government of all the individual members, congregations, and officers within the general association, is unquestioned." Therefore, this citation is misplaced and is not relevant to Plaintiff's case. Further, the citation does not grant open license to even doctrinal speech, and it places a requirement that it "does not violate the laws of morality and property, and which does not infringe personal rights." It is the latter part, namely the law of morality and personal rights, which the

Defendants allegedly have violated. Plaintiff submits that as cited earlier,, offences against religion and morality are outside the protection of first amendment.

(ii) The other citation quoted by the Court of Appeals, U.S. v. Ballard, 322 U.S. 78, is also misplaced and is not applicable to the Plaintiff's case. Although, Ballard deals with the establishment issue, it is from the point of the U.S. government's entanglement and interference with a particular religious sect. In Ballard, as in Watson discussed above, there was no issue of profanity and defamatory falsehood of Deity, with resultant infringement of rights to worship, and insult and injury to people. The main issue in Ballard was infringement by the U.S. government of certain strange beliefs held by the Ballard sect, and the Supreme Court held against such government intervention in religious affairs. If Ballard were guilty of common law

offences, and if they infringed upon others' rights, then the establishment clause would not have been a bar to punish such offences. Ballard's case is not comparable to Defendants. Neither the issues are similar, and therefore, the citation is not quite relevant.

E.

SUMMARY DISMISSAL: Plaintiff also submits that summary dismissal of Plaintiff's petition by the District Court, which was affirmed by the Court of Appeals, is inconsistent with the decisions of the Court of Appeals, 2nd Circuit and the Supreme Court: Williford v. People of California, (1965), 352 F.2d 474; Saranoff et al v. Claglia, (1947), 165 F.2d 167; Land v. Dollar, 330 U.S. 731; and Arenas v. United States, 322 U.S. 419. In all these cases, summary dismissal was considered inappropriate when there were genuine issues of material fact involved, which needed to be determined by a jury.

And there are quite a few issues of fact in Plaintiff's case that will have to be determined by a jury, such as specific identification of profanity and obscenity in the film, extent of insult and injury to the Plaintiff and others, etc.

To conclude, the facts of the case and applicable citations discussed above, show that the courts below were in error, in holding that the religious issues posed by Plaintiff's case are non-justiciable, especially in the context of Defendants' alleged violation of the common laws against Deity, religion, and morality, and infringement of others' constitutional rights, by insult and injury.

II.

Comparison of Jesus' story from the Gospels with the Defendants' film,LTC, to determine Defendants' common law offences against Deity, religion, and morality,and infringement of Plaintiff and others' fundamental rights, would

not invalidate the establishment clause, and therefore, the Plaintiff's case is justiciable.

A

The Defendants, in their Reply Brief to the Court of Appeals, Vth Circuit, Appendix, Page 226, stated that the Plaintiff "reads the Bible one way." This implies that the Defendants read the Bible in another way, and that way comes to focus in their film LTC, which assassinates the character of Jesus Christ. As submitted earlier, the Establishment Clause will not be invalidated in order to determine alleged profanity and other offences of the Defendants by their film LTC, page 27-49, Supra. A comparison of the Gospel story of Jesus and the Defendants' film, is to resolve issues of fact in this case. And the Bible* is the standard of truth on

---

*: Definition of the Bible, Pages 305 to 306 of the Appendix.

which the sanctity of official oaths rest: State of Maine v. Mockus, 14 A.L.R., 877, Supra. Such a comparison, between the Gospels and the film, purely for analytical purposes would not amount to establishment of any religion. In Abington School District v. Schempp, (1963), 374 U.S. at 225, 83 S.Ct. at 1573, the Supreme Court said that although Bible readings in the public schools would invalidate the Establishment Clause, it specifically noted that the study of scripture for educational purposes and for study of comparitive religion will not establish religion per se. Such a comparison will not be different from a comparison that is needed in a case of plagiarism, when one work will have to be compared with the other, even though, such a work may be a religious story. Will it then be said that the issue of plagiarism cannot be adjudicated, because, it is a religious story? Plaintiff submits that if there is

profanity, obscenity and defamatory falsehood in the film, any jury should be able to determine that issue of fact, by comparison of the film, with any one of the Gospels. Although the texts in the Gospels may differ from one to another, and there may be differences in wording and phraseology in older manuscripts compared to the newer ones, but there are no differences in the substantive story of Jesus, and none of them would agree, even remotely, with the profanity and obscenity of the film, LTC The Gospel and the film story are sharply contrasted, like light and darkness, and it must be fairly easy for men of common intelligence to find the elements of offence

A comparable case to the Plaintiff's on the issue of obscenity, defamatory falsehood and triability of the case, is Bindrim v. Mitchell, App., 155 Cal. Rptr. 29. Plaintiff Bindrim, a psychologist, was libeled by Mitchell in her book,

"Touching", published by Doubleday, which falsely portrayed Bindrim using obscene language to his clients, to promote his business. Mitchell used a fictitious name of Simon Herford in her book for Bindrim. But the Second Circuit held: (cert denied 444 U S 984) that where alleged defamatory remarks could be determined, either as fact or opinion, and court cannot say as a matter of law that statements were not understood as fact, there is a triable issue for the jury, and that mere designation of the book as a novel won't bar the claim for libel, if in fact, a reasonable person reading the book would understand that the fictional character was in fact a real person, Bindrim, Page 39, Supra.

It's therefore, possible for a jury to find in Plaintiff's case, the issues of fact between the Bible and the film, LTC, to determine the offences alleged. The Defendants have also parenthetically tried

to escape the tort of profanity, etc., by designating the film, LTC, as a fiction, but no reasonable person who sees the film will be deceived into believing that the principal character relates to anyone other than Jesus of Nazareth. Just as a comparison has been made between the actual, and fictitious character in the book "Touching" in Bindrim v. Mitchell, extracts of comparison included in Appendix, Page 298-300, Plaintiff has also compared certain defamatory aspects of the film LTC, and the Gospel statements about Jesus - Appendix, Pages 289 to 297- to establish prima facie, the profanity and defamatory falsehood of the film.

B.

DISTINGUISHING COURT OF APPEALS CITATION:

In consideration of the foregoing discussion, the citation which the Court of Appeals, Fifth Circuit has quoted, Joseph Burstyn, Inc. v. Wilson,(1952), 343 U.S. 495, 505, to substantiate the point

that courts may not determine the Jesus story, (for comparative purposes), is misplaced and is not applicable to Plaintiff's case. Court of Appeals, Fifth Circuit decision dated September 17, 1990, at Pages 1,5 of the Appendix. In the first instance, Plaintiff has demonstrated above that just a comparison of the film, with the known story of Jesus Christ, to determine common law offences by itself will not invalidate first amendment. Secondly, the main issue in Burstyn v. Wilson page 505 Supra, relates to "unlimited restraining control over motion pictures in a censor", especially in relation to a vaguely defined term, "sacrilegious", which was "the sole standard under attack" in that case, and it was determined by the Supreme Court that the term did not relate to Deity, but to sacred things. It was this lack of definition of the standard and term "sacrilegious" by the New York Censor

Authority, that made the Supreme Court to strike down that vague criterion for censoring the film, "Miracle". It did not say that censoring per se will invalidate first amendment in all cases. The Supreme Court qualified its decision in Burstyn with exceptions, such as : "It does not follow that the Constitution requires absolute freedom to exhibit every motion picture of every kind at all times and all places" and "if there be capacity for evil, it may be relevant in determining the permissible scope of community control, but it does not authorize substantially unbridled censorship such as we have here." Burstyn, Supra at page 502. Furthermore, the Supreme Court said that the New York statute "does not seek to punish as a past offence, speech or writing falling within the permissible scope of subsequent punishment." Burstyn, Supra, Page 503. Plaintiff's complaint also does not raise any issue of prior or

temporary restraint of Defendants' film, but will amount to only subsequent punishment if the jury holds that the Defendants have committed common law offences by their film, and have interfered and infringed upon Plaintiff and others' constitutional rights.

Besides the above, there are exceptional differences between the film "Miracle" that was at dispute in Burstyn, and the Defendants' film, LTC. The film "Miracle", did not profane Deity with defamatory falsehood, and thus offend the sacred and sentimental feelings of laity, and did not insult or injure them and interfere with their freedom of worship, which is an important issue in LTC. Therefore, it is submitted that the decision of the Court of Appeals, Vth Circuit, that the First Amendment will be invalidated by determining the story of Jesus was an error, because, as mentioned earlier in Page 5 Supra, there is really

no need for anyone to 'determine' the story of Jesus, as the Gospels tell the story clearly, and will have to be compared only, with the film, to establish profanity, obscenity and defamatory falsehood, which a Jury can do with proper instructions.

Besides, in Times Film Corp. v. Chicago, 365 U.S. 43, 49, the Supreme Court clarified that the decision in Burstyn did not give producers/ distributors of all films the right to exhibit them without restraint irrespective of their content, and it did not reduce the power of a censor to restrain films that may be offensive to society. Also, "motion pictures were not 'necessarily subject to the precise rules governing any other particular method of expression " Therefore, it is submitted that Defendants do not have unilateral rights to exhibit the film LTC under first amendment, and they can be restrained

after a trial, if the alleged profanity, obscenity, and other common law offences are established.

III.

Defendants' film, LTC, alleged to be an offence against decency and truth, religion and morality, can be detrimental to the constitutional guarantees of tranquility and peace in an inter-racial and inter-religious society.

As submitted earlier, a majority of the Defendants' principal officers and creative executives are of Jewish faith, and by their tradition, are opposed to Christian faith. It is apparent that a film that profanes Jesus Christ could not have been produced by a member of the spiritual family of Christ who believes in his incarnation. The film,LTC, is therefore, a religious propaganda to discredit Christianity by defaming its author, and has been done with the

knowledge that it is false. Prior to 1970, when the film industry in Hollywood was not predominantly under the influence of Jewish film makers, films were made based on the Gospel story of Jesus: THE GREATEST STORY EVER TOLD, (1965), and KING OF KINGS (1927), a silent film classic by the famous film producer, Cecil B. DeMille, are still in circulation, and a comparison of one of those films, with the Defendants' film will itself show the glaring character assassination of Christ in LTC. Defendants knew the difference between their film and the films made earlier, based on the Gospels. They knew before they even went into production, that the film LTC will defame Christianity and Christ per se

But the Defendants took the project to film, with a religious zeal, because it gave them a vehicle to carry out a global religious propaganda that Jesus Christ was not GOD as the Christians believed, but

just a man, an ordinary man and a sinner. Such a character assassination, set in an obscene way, is offensive to Christian people and in fact, all decent minded people, whether Christian or not, since it is a lie and there is no truth in it.

Plaintiff submits that if Defendants are not restrained from the exhibition of their profane and obscene film, it will set a precedent for any company to make films for profit or vendetta, to defame Christ further in other dubious versions, or defame other religious leaders, e.g., Mohammed, that can result in serious inter-religious/ racial tensions and hatred, and would be against the spirit of harmony and accommodation of all faiths mentioned in Lynch v. Donnelly, Supra, assuring the welfare of all sects, with equal rights, and it will jeopardize the constitutional purpose of "welfare" and "domestic tranquility" to all people. (Preamble to U.S. Constitution.) Besides,

if the offensive film is not restrained, it will be shown in all the third world countries in all media, where the film can be taken as a fact, since knowledge of true Christianity is so scarce in those non-Christian lands. It will thus grossly misrepresent the God of Christianity, which is still the predominant religion in the U.S., as people in those far off lands understand. It will be bewildering to them to see that the God of Americans is a liar, a sinner and an adulterer. "The capacity for evil", (Burstyn, Inc. v. Wilson, 343 U.S. at 502,) in this film is so powerful that it can develop a negative propaganda in those nations against Christianity, and will cast a moral slur on American society, because for good or worse, films from Hollywood have traditionally been an influence in those developing nations.

Plaintiff submits that some of the national symbols of this Republic include

both Christian, and Jewish faiths, such as Christ's picture in the Washington National Gallery - his birth, Last Supper, Crucifixion and Resurrection, and in the chamber of the Supreme Court, Moses and the Ten Commandments. In describing this symbolic union of religions and judicial cognizance of an inter-religious society, Justice Douglas said that our government has "follow[ed] the best of our traditions and respect[ed] the religious nature of our people." : Zorach v. Clauson, 343 U.S at 314, 72 S.Ct. at 648.

Plaintiff submits that if this judicial standard of accommodation of all faiths with hostility to none must survive, then insult of the faith of one religious group by the other must become anathema to first amendment rights. If some strange artist could do away somehow, with the paintings of Christ, in the National Gallery of Art, and fill their places with scenes of profanity borrowed from

Defendants' film, LTC, it will not get the approval of decent minded people,in this nation either in the name of art, or freedom of speech. Yet, this is what it amounts to by the exhibition of this obscene film that has attacked the symbols and values of Christianity. The offence would not be any less, if another artist chooses to insult the divine mission of Moses and caricatures him in the name of art in ways that would not only assassinate his character, but blaspheme God, the God of most people in this nation

CONCLUSION

In conclusion, Plaintiff prays for the grant of Certiorari to the Vth Circuit, based on the questions raised and issues discussed, on first amendment freedom of speech,and freedom of religion as it relates to laws of morality and order, especially in a society composed of

inter-racial and inter-religious sub-cultures.

Respectfully submitted,

Veda Nayak

(VEDA NAYAK)

Petitioner/Plaintiff Pro Se

Dated: December 7, 1990

TABLE OF CONTENTS

APPENDIX: VOL I

		Page
1	Judgment of the United States Court of Appeals for the Fifth Circuit; September 17, 1990	1
2	Press Reports and other related information	6
3	Plaintiff's original complaint filed with the U S District Court, Southern District of Texas	34
4	Biblical Extracts Outline on the life of Jesus	78

APPENDIX: VOL II

5	Defendants' Motion to Dismiss for failure to state a claim	95
6	Plaintiff's response to Defendants' Motion to Dismiss	104
7	Judgment of the District Court	151
8	Plaintiff-Appellant's Brief to the Court of Appeals, Fifth Circuit	152
9	Appellees' Reply Brief	219
10	Appellant's response to Appellees' Brief	235
11	Extracts from The Urantia Book	263
12	Comparison between the New Testament and the film LTC	289
13	Comparison of "Touching" with transcript in Bindrim v Mitchell	296
14	Definition of Christianity	301
15	Definition of the Bible	305

NOTE: For this presentation, for easy reference, the internal page numbers of references are made consistent with each other, although such references may have appeared with different page numbers in submission to courts below

NAYAK v. MCA, INC.

Veda Nayak, Plaintiff-Appellant,

v.

MCA, Inc., et al.,

Defendants-Appellees.

No. 90-2188

Summary Calender

United States Court of Appeals,

Fifth Circuit

Sept. 17, 1990.

Appeal was taken from order of the United States District Court for the Southern District of Texas, Kenneth M. Hoyt, J., which dismissed action which sought to enjoin distribution of motion picture film. The Court of Appeals, Clark, Chief Judge, held that: (1) trial of religious issues raised by plaintiff who alleged that film was a defamatory interpretation of the life of Christ would violate the First Amendment, and (2)

correct interpretation of the life of Christ is not a justiciable question before a federal court.

Affirmed

1. **Constitutional Law 84.5(1)**

Trial of religious issues raised by plaintiff who sought to enjoin distribution of film which was alleged to be a defamatory interpretation of the life of Jesus Christ infringing on plaintiff's constitutional right to freedom of worship and religion would violate First Amendment U.S.C.A. Const. Amend. 1.

2. **Federal Courts 13**

The correct interpretation of the life of Christ is not a justiciable question before federal court.

Appeal from the United States District Court for the Southern District of Texas

Before CLARK, Chief Judge, GEE and DUHE, Circuit Judges.

CLARK, Chief Judge:

I

The district court dismissed the complaint of Veda Nayak under Federal Rule of Civil Procedure 12 (b)(6) for failure to state a justiciable claim. Nayak's complaint against MCA, Inc., both the United States and Canadian branches of the Cineplex Odeon Corporation, and the manager of a Houston theater sought to enjoin the distribution and presentation of the movie "The Last Temptation of Christ." Nayak claimed that the film was a defamatory interpretation of the life of Jesus Christ which infringed on the Plaintiff's and other believers' constitutional right to freedom of worship and religion. A timely appeal was taken.

II

In reviewing Rule 12(b)(6) dismissals, we accept all well-pled allegations of fact and dismiss only if "it appears beyond doubt that the

plaintiff can prove no set of facts in support of his claim which would entitle him to relief." Thomas v Smith, 897 F 2d 154, 156 (5th Cir 1989) (citations omitted)

[1,2] Trial of the religious issues raised by the plaintiff would violate the First Amendment. The Supreme Court has stated:

> "The law knows no heresy, and is committed to the support of no dogma, the establishment of no sect." Watson v Jones, 13 Wall 679, 20 L Ed 666 Freedom of thought, which includes freedom of religious belief, is basic in a society of free men. It embraces the right to maintain theories of life and death and of the hereafter which are rank heresy to followers of the orthodox religion. Heresy trials are foreign to our Constitution.

United States v Ballard, 322 U S 78, 86, 64 S Ct., 882, 886, 88 L Ed 1148 (1944).

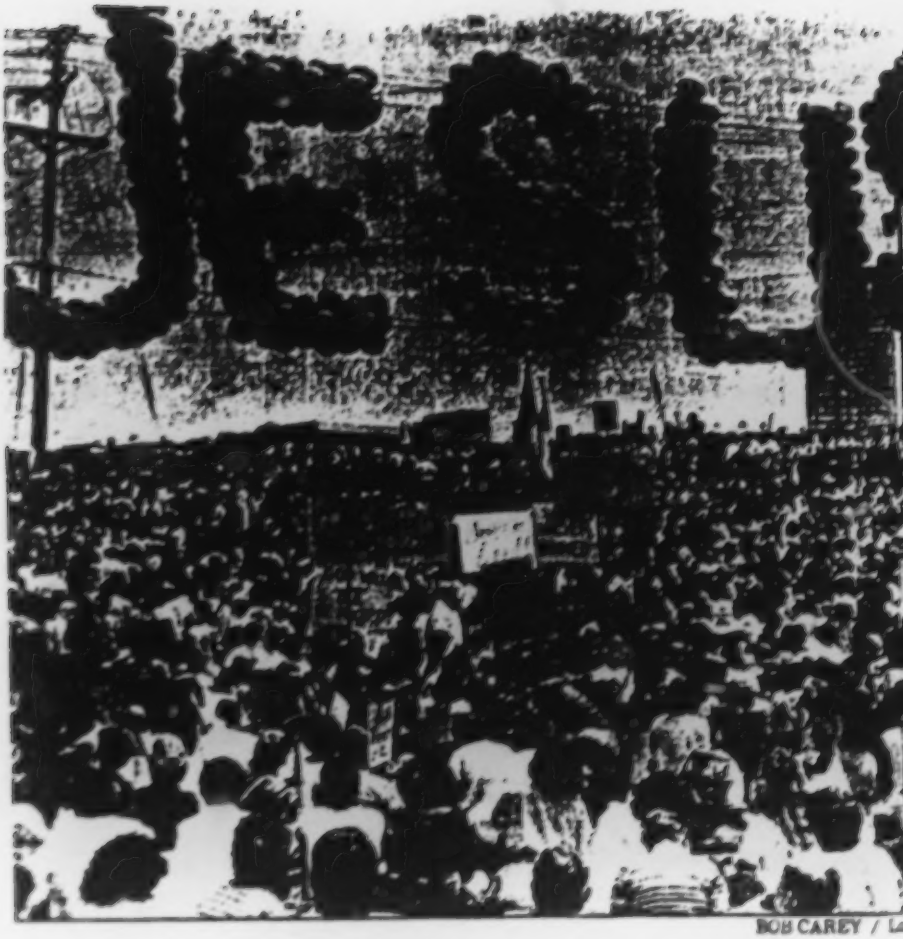
The plaintiff asked the court to decide the "correct" interpretation of the life of Christ. This is not a justiciable question before a federal court. See Joseph Burstyn, Inc. v. Wilson, 343 U.S. 495, 505, 72 S Ct 777, 782, 96 L Ed 1098(1952) ("It is not the business of government in our nation to suppress real or imagined attacks upon a particular religious doctrine, whether they appear in publications, speeches, or motion pictures.") Despite the sincerity of Nayak's beliefs, his legal argument based on those beliefs are non justiciable.

III

The judgment of the District Court is AFFIRMED.

(TRUE COPY)

SELECTED PRESS REPORTS



(TRUE COPY FROM The Los Angeles Times)

FILM: 25,000 Protest Against 'Last Temptation' at Universal

Woman, left, holds crucifix at demonstration against "The Last Temptation of Christ" at Universal Studios.

(TRUE COPY FROM The Los Angeles Times)

25,000 Gather at Universal to Protest Film

By RUSSELL CHANDLER,
Times Religion Writer

A singing, chanting crowd estimated by police at 25,000 marched in front of the gates of Universal Pictures on Thursday, protesting the studio's release today of the controversial movie, "The Last Temptation of Christ" in Los Angeles and eight other U S and Canadian cities

The protest-coordinated by two Southern California radio stations and a television station that broadcast Christian religious programs- represented the largest outpouring yet against the movie Police termed the demonstration especially large for a weekday

Traffic backed up for miles on the northbound Hollywood Freeway and jammed surface streets around the studio complex in Universal City for more than an hour

The demonstrators, many of whom carried placards, wooden crosses and Bibles, were orderly and did not attempt to block entrances to Universal and its parent company, MCA Inc.

"We need to stand up and say what needs to be said," declared Oliver Milton, a Lutheran of Woodland Hills who, like many, took the day off from work to attend the three-hour rally. "The Jesus depicted in this movie is not the Jesus of the Bible."

Hasn't seen the movie

Milton, like nearly everyone at the rally, had not seen the movie, but based his opinion on portions of an early script that has been widely circulated by conservative critics of the movie and on news reports from critics and others who have viewed the film.

The movie, based on the novel by Greek author Nikos Kazantzakis, was directed by Paul Schrader. It focuses on Jesus' "human

side", depicting his doubts about God's role for him but also includes scenes of Jesus' divine powers, including miracles

Protesters of the film, mainly evangelical Protestants and conservative Catholics, have centered their objections on Scorcese's portrayal of Jesus as a weak, vacillating Savior who struggles with lustful temptations and on a sequence that shows Jesus being tempted by the devil to leave the cross and have sex with Mary Magdalene

Also, on Thursday, citing a landslide of protests from Christian groups, three theater chains with 80 screens in the Baltimore area joined the growing number of theaters that have said they will not show "The Last Temptation " Earlier, the 1,388 movie houses of the Boston-based General Cinema theaters- fourth largest in the nation-the Edwards Cinemas of Newport Beach, with dozens of theaters in Southern California, and Luxury Theaters of

Portland, Ore., announced they would boycott the film.

Placards carried by protesters outside Universal facilities Thursday ranged from "Please don't crucify Christ again," "Don't trash My Lord" and "The Greatest Story Ever Distorted" to Bible warnings directed against MCA Inc. and its chairman, Lew Wasserman. The demonstration was organized by Citizens for a Universal Appeal, an Orange County based ad hoc coalition of religious groups and individuals.

At a press conference opening the rally, a variety of Christian and several Jewish leaders condemned the film, called for a boycott of all MCA enterprises and urged supporters in cities where "The Last Temptation" is to be shown to peacefully picket outside the theaters.

Actor Roosevelt Grier, a former football star castigated "a movie company that would dare to make fun of the Creator

of the Universe," and Atlanta pastor Richard Lee said: "If we can't speak to their (MCA's) hearts or their heads, we can speak to their wallets."

Speakers also included Rabbi Haim Asa of Orange County and KABC radio commentator Dennis Prager.

A Jew who has written several books about Judaism, Prager said: "Jews and Christians should have understood long before "The Last Temptation of Christ" that nearly everything that their religions hold sacred had been profaned in the movies. The issue is not Christian censorship; it is Hollywood's nihilism."

The larger-than-expected turnout was taken by demonstration leaders as a signal that religious people of many persuasions are banding together to fight a perceived bias against them by the entertainment industry. Prager referred to "an aggressive secularism that now attempts even to overtake religion itself."

"Unleashing a Movement"

"We're unleashing a movement," declared the Rev. Donald Wildman, a Tupelo, Miss. Methodist minister who has been at the forefront of opposition to the film. "Christian bashing is over."

"We demand that anti-Christian stereotypes come to an end," he added to the responding applause and scattered shouts of "amen" from the crowd.

Another indication of broadening resistance to "The Last Temptation" was the announcement Thursday by a leading Muslim spokesman in Los Angeles that the Islamic Center of Southern California is urging its constituency of about 10,000 families to boycott the film. Muslims do not regard Jesus as divine, but he is revered as a prophet of God.

Dr. Maher Hathout said in an interview that he is drafting a formal statement for the center's board opposing what he believes from reports to be a

disrespectful depiction of Jesus "Human decency and ethical standards should keep all people respecting each other's religions " Hathout said

While television news helicopters hovered above the Universal complex, the placard carrying demonstrators, some pushing baby strollers, marched down the hill from Universal's gates chanting "Boycott MCA" and singing "The Battle Hymn of the Republic "

Assembling again in a nearby park, the crowd joined in what could well be described as a giant pep rally for Jesus

Motorcycle Club

Circulating among the protesters were 30 leather jacketed members of "Christ's Sons - Live or Die," a Christian motorcycle club from Anaheim

"We're riding for Jesus and protesting that dirty movie We won't stand for this garbage," said Phil Aguilar, 40, the tall rangy leader of the pack that

wore beards, sunglasses, headbands and motorcycle boots. "We're going to attack all the theaters in our area," Aguilar added. He refused to discuss his strategy except to say, "It will be right on the border of legal."

Staff writer Louis Sahagun contributed to this story.

(True Copy from THE LOS ANGELES TIMES)

A HOLY FUROR

Boycotts and belligerence greet a startling new film about Jesus

Jesus has brief on screen sex with his first wife Mary Magdalene and later commits adultery Judas is a hero, the strongest and best of the apostles Paul is a hypocrite and liar Jesus is so dazed that, even on the eve of his Crucifixion, he is still not quite sure whether to preach love or murder Romans

Ready for Director Martin Scorcese's new movie, **The Last Temptation of Christ?**

Powerful, eccentric, bloody, filled with theological gaffes, **Temptation** is an excruciatingly earnest and freewheeling docudrama based on the 1955 best-selling novel by a tormented Greek Orthodox believer, Nikos Kazantzakis It is the result of an obsessive 16-year quest by one of Hollywood's most esteemed directors to bring to the screen a struggling Christ who only slowly comes to

see himself as the Messiah. The movie, Scorcese says, "is my way of trying to get closer to God."

When it opens this Friday in New York, Los Angeles and other cities, religious crowd scenes are almost certain to appear outside the theaters as well as in them. For the past month, conservative Christians have denounced the film as blasphemous, staged demonstrations, called for boycotts and shaped a national campaign to have the picture destroyed or withdrawn. Along the way, there have been anti-Semitic incidents and threats against the "non-Christians" at Universal Pictures who took a chance on the film partly to encourage the film maker to pursue future projects at the studio.

So far, most of the voices raised against the film belong to people who have not yet seen it. Italian Director Franco Zefferelli called the movie "damaging to the image of Christ. He cannot be made the

object of low fantasies " Fundamentalist leader Jerry Falwell called for boycott against MCA, Universal's parent company, all MCA products, which include Grosset & Dunlap publishers, Spencer Gifts and Motown Records, and any theater that shows the film. Said Falwell: "Neither the label 'fiction' nor the First Amendment gives Universal the right to libel, slander and ridicule the most central figure in world history "

To head off further furor or perhaps even to cash in on it, Universal decided last week to move the opening up from Sept. 23 to Aug. 12. Says Tom Pollock, chairman of MCA's motion picture group, "The best thing that can be done for **The Last Temptation of Christ** at this time is to make it available to the American people and allow them to draw their own conclusions , based on fact not fallacy " But Tim Penland, a born-again marketing expert once hired by Universal to placate

conservative critics and now a critic himself, believes the six-week jump will unleash more Fundamentalist anger. "It's the most serious mistake a studio has made in decades," he says.

The dramatic center piece of the film is a half-hour segment in which the dying Christ, played by Willem Dafoe, hallucinates about the devil's final temptation: come down form the cross, renounce your role as the Messiah, marry Mary Magdalene and live a long and ordinary life.

Nothing unorthodox there, strictly speaking. As both fully human and fully divine, Jesus is viewed in Christian theology as free of sin but subject to temptations including sexual ones. Following Kazantzakis however, Scorcese presents the early Jesus as a weak and dithering collaborator who builds crosses used by the Romans to execute Jewish rebels. Later he becomes the wild-eyed

guru to a band of ragged followers but remains apprehensive and fundamentally confused about his message and his mission. He persuades Judas, his best friend, to betray him to fulfill God's plan. During his reverie on the cross, Jesus is shown briefly having sex with his wife, Mary Magdalene. Later in the fantasy, after Magdalene dies, he weds Mary of the biblical duo Mary and Martha, then commits adultery with Martha.

Temptation is drenched in blood. The blood of sacrificed animals runs through ths streets, blood unaccountably pours out of an apple Jesus eats and at the Last Supper, the wine literally turns into blood. In one grotesque scene, Jesus reaches into his heart (though it looks more like his belly), yanks out his heart and holds it up for his apostles to admire.

For a few critics, this display seems to be an arch-send up of the Catholic

devotion to the sacred heart of Jesus Some dialogue also hints at satire, probably unintentionally. Asked by a Zealot to compare being dead with being alive, Lazarus says thoughtfully: "I was a little surprised. There isn't that much difference " At times Jesus sounds like a mumbling method actor (his first sermon begins "Umm, uh, I'm sorry"), at others like a recent graduate of the Shirley MacLaine School of Theology ("Everything's part of God")

For Scorcese, a former altar boy who once wanted to be a priest, the movie is no frivolous matter. Actress Barbara Hershey, who plays Mary Magdalene, gave him a copy of the Kazantzakis novel in 1972, and he has been contemplating it ever since. Kazantzakis' Jesus, he insists, is both human and divine in accordance with Christian teaching. What interested Scorcese in the author's

approach "was that the human part of Jesus would have trouble accepting the divine "

For many believers, the problem with all this is that Scorcese is not tinkering with a minor historical figure as Gore Vidal did with Aaron Burr, but with the founder of their faith "This is an intentional attack on Christianity " concludes Joseph Reilly, national director of Morality in Media The group is particularly incensed by Jesus' anguished comment, "I am a liar, I am a hypocrite, I am afraid of everything Lucifer is inside me "

Universal Pictures had anticipated controversy Paramount, originally set to produce the movie in 1983, backed out just weeks before the cameras were set to roll To head off a storm, Universal took the unusual step last January of hiring Tim Penland to calm down the religious right But Penland resigned in June, charging that Universal had reneged on a promise to

let conservative religious leaders see the film and comment on it well in advance of its release.

Although Universal did hold screenings for religious leaders last month, most conservatives refused to come. Instead, they staged protests at the Universal lot and published an admonishing ad in the **Hollywood Reporter**. In a letter to MCA Chairman Lew Wasserman, Bill Bright of the Campus Crusade for Christ offered to raise money to reimburse Universal for all copies of the film, which would "promptly be destroyed." Universal responded with lofty, full-page newspaper ads in four cities, quoting Thomas Jefferson and announcing that the Constitutional rights to free expression and freedom of religion were not for sale.

In the most organized campaign of resistance, Methodist Minister Donald Wildmon, head of the American Family Association, is sending out 2.5 million

mailings protesting the film and has scheduled anti-Temptation spots on 700 Christian radio stations and 50 to 75 TV stations. "In the twelve years of my current ministry," he says, "I've never seen anything like the response to this movie."

Make that the response to the response. As an annoyed Scorcese points out, "Ninety nine percent of the people who are complaining have not seen the picture." Many complainers are instead responding to a bootleg copy of an outdated script, circulated by the Sisterhood of Mary, a group of ultra conservative Protestant women. That version contained the egregious line, which is not in the movie, spoken by Jesus to Mary Magdalene, "God sleeps between your legs."

Universal has tried to calm things down, inserting a disclaimer in the movie saying its fiction, and making Scorcese

available for interviews, stressing his religious sincerity. Yet the protest has taken on a life of its own. Virtually every televangelist, including Pat Robertson, has mentioned the film during appeals for money. A nonsectarian group called Concerned Women of America has asked MCA stockholders to sell the company's stock on September 15. And Mother Angelica, a nun who runs the nation's largest Catholic cable network, is calling on protesters to drive with their lights on Aug 22. Both dates were picked at random when the opening was still set for September.

Some of the protests have taken on ugly anti-Semitic overtones. Three weeks ago, the Rev. R.L. Hymers, Jr., a Christian extremist in the Los Angeles area, staged a demonstration near the Beverly Hills home of MCA Chairman Wasserman, who is Jewish. An actor portraying Wasserman stepped repeatedly on

the bloody back of an actor dressed as Jesus and carrying a heavy cross. An airplane meanwhile, flew overhead trailing a banner that read WASSERMAN FANS JEW HATRED WITH TEMPTATION, and a crowd chanted, "Bankrolled by Jewish money."

As conservatives shriek all around them, liberal churchmen have been bending over backward to avoid criticizing the film, stressing Scorcese's right to interpret Jesus in his own way and sometimes issuing a tepid defense or two. Fundamentalist fears are exaggerated, says the Rev. Eugene Schneider of the United Church of Christ, because "people who go to the movie are going to come out bored and leave before it is over."

The Rt. Rev. Paul Moore Jr., Episcopal Bishop of New York, offered one of the strongest defenses, calling **Temptation** theologically sound. "Though the love making between Jesus and Mary may offend some, he said, "Remember, it's a

dream. This is yet another portrait - a work of art- which emphasizes certain aspects of Jesus." The Rev. William Fore of the National Council of Churches similarly sees the movie as "an honest attempt to tell the story of Jesus from a different perspective."

Catholics and Methodists have issued no formal response to the film. Bishop Anthony Bosco of Greensburg, Pa., head of the communications department for the National Council of Catholic Bishops, thinks that the movie should be allowed to expire quietly. "This too shall pass away," he says. But not all Catholics are so patient: his office has received hundreds of phone calls demanding that the church speak out. Says Bishop Bosco, "The anti-Semitism and the hatred this movie has caused can hardly please the heart of Christ."

Many clergymen say they have no interest in fanning hysteria over the

film, but they wish that Scorcese had made a better movie. The film's Jesus questions himself so much that "it's sort of like watching **The Three Faces of Eve**." complains the Rev. Michael Morris, who teaches religion and the cinema at a Catholic school in Berkeley.

There are knotty theological problems too. In the dream sequence, for example, when Jesus interrupts Paul's preaching to explain that he did not die and rise again, Paul says the facts are not important as long as the people have something to believe in. This appears to reinforce the familiar and cynical view that Paul invented Christianity and distorted Jesus' teachings. Scorcese's Jesus also makes a number of doctrinal blunders. He announces that his death will pay for his own sins, rather than for the sins of mankind. And he picks up dirt and stones and says,"This is my body too.",

which apparently makes him a founder of pantheism as well as Christianity.

Such theological slipups are fueling passions about the film. Father Morris says he was told by Scorcese that the film maker wonders why everyone is so upset when "it's just a movie." After all, the director said, he has a right to work out his private quest for Jesus on film. "This irks me a bit." admits Father Morris. "You can't be working out private problems to the degree that it causes people to riot in the streets." Although that prospect is unlikely, **The Last Temptation of Christ** has touched off the angriest debate in years.

-- By John Lee.

Reported by Marguerite Michaels/New York and James Wilworth/Los Angeles.

(True Copy from TIME, dated August 15, 1988.

JESSE HELMS

North Carolina

UNITED STATES SENATE

Washington, DC 20510

September 21, 1989

Mr. Veda Nayak

Citizens for Religious Freedom

4770 West Bellfort, Suite 285

Houston, Texas 77035

Dear Mr. Nayak:

Thank you for sharing your outrage at obscene blasphemy posing as so-called "art." It is mine as well.

A kinder, gentler nation is not one that degenerates the faith of millions of Americans, far less one that mocks our crucified Lord. The abuse of one penny of taxpayers' money in this regard is a matter of principle. It speaks to the values that our federal government holds dear.

Your kind words of support are most encouraging. It is tragic that some so-called artists prefer the deviant and demonic to the innocent and divine. It is intolerable that we be forced to underwrite their sacrilege and pornography with our tax dollars. I hope you have written your Senators and Congressmen in support of my amendment. It is currently before a conference committee, which is being bombarded with letters from the art establishment that defends taxpayer-subsidized homoerotic, sadomasochistic degeneracy.

As for "The Last Temptation of Christ," the **first** commandment given by God concerns the honor to be accorded God, who warns: "Thou shalt have no other gods before Me." Whatever gods the producers of this vile movie were serving (the god of the fast buck, whose shrine is the box office?) their blasphemous assault on

God's Only Begotten Son offends God and should offend all decent-minded men.

Thanks again for not standing silent when Christ is crucified anew. With gratitude for your concern,

Sincerely,

JESSE HELMS(sd)

JESSE HELMS:ea

(TRUE COPY)

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF TEXAS

HOUSTON DIVISION.

Veda Nayak	)	Civil Action
4770, W. Bellfort,	)	No: H-89-2695
Suite 285	)	
Houston, TX 77035	)	
Plaintiff (713)684-6552	)	
	)	
vs	)	
	)	
MCA, INC	)	Complaint
100, Universal City Plaza	)	for breach
Universal City, CA 91608,	)	of First
Cineplex Odeon	)	Amendment
1925, Century Park East	)	Rights and
Los Angeles, CA 90067.	)	unlawful
Cineplex Odeon	)	infringement
1313, Young Street	)	of religious
Toronto M4 T2 Y9	)	freedom

Canada.)

and)

Manager)

Spectrum Theatre)

2660, Augusta)

Houston, Texas 77057)

Defendants)

JURISDICTION AND VENUE

1. This action is brought under the First, Fifth and Fourteenth Amendments to the Constitution and other fundamental rights of the Constitution of the United States. Jurisdiction is asserted under Title 28 U.S.C. #1392, based on diversity of citizenship.

PARTIES.

2 The Plaintiff Veda Nayak, is and at all times herein mentioned, an individual residing and doing business in Harris County, Texas.

3. Plaintiff is informed and believes, and on that basis alleges that Defendant MCA, INC. is and at all times herein

mentioned was a corporation organized and existing under and by virtue of the laws of the State of California Defendant MCA is the owner or parent company of the entity UNIVERSAL PICTURES and UNIVERSAL PICTURES INTERNATIONAL, which make and distribute motion pictures in the United States and abroad

4 Plaintiff is informed and believes, and on that basis alleges that Defendant CINEPLEX ODEON CORPORATION (U S HEADQUARTERS) is and at all times herein mentioned was a Corporation organized and existing under and by virtue of the laws of the State of California, and is in the business of financing, distributing and exhibiting motion pictures

5 Plaintiff is informed and on that basis alleges that Defendant Ben Drummond, MANAGER of the Spectrum Theater in Houston, Texas, is and at all times herein mentioned an employee of the Defendant

A: GENERAL ALLEGATIONS.

8 Plaintiff is informed and on that basis alleges that Defendant MCA, INC. produced during 1987-88, a film entitled THE LAST TEMPTATION OF CHRIST, hereinafter THE FILM, in partnership with Defendant CINEPLEX ODEON CORPORATION (U S HEADQUARTERS), starring Barbra Hershey and Willem Dafoe in the lead roles of Mary Magdalene and Jesus respectively, and directed by Martin Scorcese. Since Israel refused to give permission to shoot the film in the land of Christ's nativity, Defendant MCA moved quietly, the location of the film to Morocco In order to suppress the Press and public attention, Defendant MCA concealed the name of the film during production and called it "THE PASSION"

9 A few weeks before the release of the film in 1988, the true title of the film, THE LAST TEMPTATION OF CHRIST was revealed, and there were widespread

objections to the film from Christian believers and leaders, some of whom had access to the defamatory script that portrayed Jesus as a SINNER, a TRAITOR, a LIAR, DEMON POSSESSED, and an ADULTERER, contrary to the biblical and historical record of the life of Jesus - defaming the well known public figure and image of Christ falsely and fraudulently. EXHIBIT I (See Appendix, Pages 6 to 16) is a sample record of the widespread objections to the film by the public, and inspite of these valid objections and knowing fully that they had no right constitutionally to defame a public figure falsely, the Defendants proceeded to release the film recklessly, and in callous disregard to the freedom and sentiments of the believing public

10 In order to induce MCA, INC to stop releasing the defamatory film, Defendant MCA, INC was offered sufficient compensation by Bill Bright of CAMPUS

CRUSADE FOR CHRIST, Los Angeles. But Defendant MCA refused to consider the offer and took out an advertisement in leading newspapers of the nation that the Defendants' First Amendment rights were not for sale, and that it had a right to release the film. Although many theaters boycotted the film and refused to exhibit it because of its defamatory content, the Defendants, MCA, INC. and CINEPLEX ODEON CORPORATION (U.S. HEADQUARTERS), hereinafter PRINCIPAL DEFENDANTS, recklessly decided to defame the public figure of Christ by releasing the film in selected theaters nationwide on August 12, 1988, a month before its scheduled release date. The defamatory film was released in Houston by Defendant, CINEPLEX ODEON (CANADA HEADQUARTERS) through Defendant Ben Drummond, MANAGER of Spectrum Theater, Houston, on August 19, 1988. Defendant MCA succeeded in releasing the film inspite of boycotts from other theater chains because

Defendant CINEPLEX ODEON (CANADA HEADQUARTERS) and CINEPLEX ODEON CORPORATION (U.S. HEADQUARTERS) owned a good many of the theaters in the U.S. and Canada. Plaintiff alleges that the Principal Defendants' action to release the defamatory film inspite of myriad valid objections was wilful, and they breached their First Amendment rights by exhibiting the film that defamed Christ.

11. Plaintiff alleges that the Principal Defendants had the sole responsibility for the production of the defamatory film as they were the producers who financed and shot the film, although many creative talents were hired in making the film. The Principal Defendants came forward to produce the defamatory film rejected by other producers and distributors in Hollywood because of the film's frivolous content, and therefore knew that the film was defamatory and damaging to the person of Christ.

12. Plaintiff, based on his eyewitness account fo the film, analyses generally hereunder, the defamatory aspects of the Defendants' film: The film portrays the character of Jesus as a man reluctant to shoulder the role of Messiah, the role he was chosen to play by God, the Father. Right from the beginning, the Jesus in the film is unsure of himself as the Christ. He is frequently tormented by God's voice and struggles with God like a mad man in agony and pain, throwing himself on the ground, seized by paralytic attacks, fits and seizures that gives an impression that Jesus had serious mental problems and was demon possessed. Besides these fraudulent depictions, the Jesus in the film is also not loyal to his race. He proves the insults of Judas that he was a traitor, by making crosses for the Romans to CRUCIFY his own people. This Jesus confesses that he is a SINNER, a LIAR, possessed of the fallen spirit Lucifer, and declares that

he was going to die for his own sins! Throughout the film, Jesus betrays fear, lack of confidence and lack of unity with his father in heaven, a character so different and so unworthy to be called the "Holy One", the "Anointed One" and "Mighty God" as the Old Testament prophets have defined the Christ incarnate. The Jesus of the film is branded a HYPOCRITE, who conceals his sexual fantasies, who is unable to totally resist his carnal desires when he freaks out from the cross, in a dream, and dares to walk away from the cross to have sex with Mary Magdalene. Then to add further insult to insult, this Jesus has an adulterous relationship with the Lazarus sisters - Mary and Martha.

13. Plaintiff alleges that the basic purpose in making and exhibiting the said film by the Defendants was to distort, malign and assassinate the character of the historical and biblical Christ. The Defendants have sought to cover up their

act of defamation by prefacing the film as a fiction. Plaintiff asserts that this was a dubious effort on the part of the Defendants, as the film's leading character identified with the person of Christ, a real character, not a fictitious character. A real person whom millions of people believed, and believe as God who became man, and not man who progressively evolved to become God.

14. The Plaintiff alleges further that the Principal Defendants' portrayal of the Christ character in the said film was totally false, not supported by any authentic biblical or historical record, and opposed totally to the immaculate character of Christ mentioned in the Bible, selected extracts cited in EXHIBIT III(See Appendix: Pages 78-84)

15. Plaintiff alleges that the Principal Defendants' film script has been so contrived and fabricated mainly to assassinate and denigrate the impeccable

person of Christ without any regard to historical or biblical facts

B: SPECIFIC ALLEGATIONS

16 Plaintiff details below, the Principal Defendants' defamation of the Christ character in selected scenes in the said film.

(1). DEFAMATION OF THE LOYALTY OF JESUS.

Contrary to the biblical Jesus who came to SAVE his own people Israel, the Jesus in the said film is portrayed by the Principal Defendants as a JEW KILLER who has NO LOYALTY to the race into which he was born. The following scene takes place in a workshop where Jesus is working as a carpenter, and he is making crosses when Judas comes and talks to him

JUDAS

> You're a disgrace. Romans can't find anyone to make crosses except you. You do it. You're worse than them! You are a Jew killing Jews. How will you ever

pay for your sins?

JESUS

With my life, Judas. I don't have anything else.

Plaintiff asserts based on his information that there is no historical record either in the Gospels or in other historical do documents to prove or suggest that Jesus of Nazareth did such reprehensible acts, - disloyal and harmful to his own people. On the contrary, the historical and biblical Jesus healed the sick, forgave sins, delivered victims from evil spirits and raised the dead, and he was ever compassionate to his people, as may be seen from the selected extracts from the Gospels and the Book of Isaiah, included in EXHIBIT IV (Appendix:Pg 84-85)

(2). JESUS FIGHTS HIS MESSIANIC MISSION.

Contrary to the Jesus of the Bible who shouldered willingly, his messianic mission, obedient always to the voice of his heavenly Father, the film depicts

falsely that Jesus rebelled to take on his mission. The following scene in the film takes place just after Jesus had helped the Romans to crucify his people with the crosses he made for them, when Jesus explains his aversion to God's command.

JESUS

> God loves me. I know he loves me. I want him to stop. I can't take it anymore, the voices and the pain. I want him to HATE me. I fight it. I make crosses so he will hate me. I want him to find somebody else. I want to crucify every one of his messiahs.

Contrary to the false and fraudulent depiction of Jesus in the film as cited above, EXHIBIT V (Appendix Pg 85-88) gives authentic references that the real Jesus knew his mission. He was in perfect union with his Father in Heaven in executing his

mission and he had no hesitation to shoulder his messianic responsibility. Plaintiff asserts based on his information, that the Jesus of the Bible knew his divine origin. He was ready to play his messianic role, and even to lay down his life to accomplish the plan of salvation of all people.

Plaintiff alleges that in the light of the authoritative references given in EXHIBIT V, (Appendix: Pages 86-88), the portrayal of Jesus as resisting his mission and rebelling with his Father in Heaven in the said film is a deliberate attempt of the Principal Defendants to falsely defame the person of Jesus, and to denigrate falsely, his character.

(3). DEFAMATION OF THE PERSONALITY, AND INTEGRITY OF JESUS:

The Plaintiff alleges that the Principal Defendants have falsely and fraudulently shown Jesus in the said film

as a confused, fearful and often demoralized man.

The following scene takes place in the film in a ascetic community in the wilderness. Jesus talks to a man as they walk along a cliff.

JESUS

You think it's a blessing to know what God wants? I'll tell you what he wants; he wants to push me over the cliff (Jesus is implying God wants him to die). Can't you see what's inside of me? My sins.

MAN

We all sin

JESUS

NOT MY SINS. I'm a liar, a hypocrite; I'm afraid of everything. I don't EVER tell the truth, I don't have the courage. When I see a woman,

I blush and look away. I want to, but I don't take her - for God - and that makes me PROUD. And then my pride (ruins?) Magdalene. I don't steal, I don't fight, I don't kill - NOT BECAUSE I DON'T WANT TO - but because I'm AFRAID. I want to rebel against you, against everything, AGAINST GOD, but I'm afraid. You want to know who my mother and father is? FEAR! You look inside me and that's all you'll find.

Plaintiff asserts that none of the biblical or other historical documents would suggest that Jesus was a sinner, a fearful coward, and a lustful hypocrite by his own confession. EXHIBIT II, that gives a detailed cross section of Jesus' life, will show that the Defendants' slanderous portrayal of Jesus as a LIAR, a SINNER and a HYPOCRITE by his own confession is

totally false. Jesus faced fearlessly, the Roman and Sanhedrin soldiers when they came to arrest him in the Garden of Gethsamane, and if he were a coward, he would have run away. In fact, a part of the army JUST FELL FLAT on the ground when he stepped forward to face it. (John: chapter 18: 3-11). Indeed, if he did not let them take him, there was no way such a mortal army could have taken the Creator of the Universe, a prisoner.

The Plaintiff therefore alleges that the Principal Defendants falsely and deliberately slandered Jesus Christ as a fearful person with impunity, made him confess himself as a LIAR in the said film; whereas the real Jesus declared: "I AM THE WAY, THE TRUTH AND THE LIFE." (John 14:6)

(4). DEFAMATION BY MORAL DEGRADATION.

Plaintiff alleges that the Principal Defendants have FALSELY defamed Jesus Christ by characterizing him as a man with

lustful intentions and imputing the motive that he had incestuous feelings towards his own mortal children whom he came to save. The following eight scenes selected from the said film highlight the false and fraudulent portrayal of Jesus' moral character through a grotesque sexual relationship with Mary Magdalene and the Lazarus sisters, unsupported by any biblical or historical record.

SCENE 1, PLACE: ON A ROAD.

Jesus is carrying one of the crosses he had made for the Romans to crucify the Jews, when Mary Magdalene comes and spits on his face. Jesus has done something wrong for Magdalene to become so angry. It was not only about what he was doing to the Jews but also that he, although in love with her as a woman, would not take her and make love to her, and be her man, which is revealed in the following scene.

SCENE 2, PLACE: MAGDALENE'S BROTHEL.

Jesus steps into the brothel to see Magdalene, but he has to wait where men are queuing up to take their turns to have sex with her. Jesus helplessly watches his sweetheart engaged in violent sexual orgies with the men, which is visible through a veil. After all the men have left, Jesus enters her bed chamber. Magdalene is exhausted and Jesus approaches her.

MAGDALENE

Who's out there? What are you doing here?

JESUS

I WANT YOU TO FORGIVE ME. I've DONE TOO MANY BAD THINGS. I'm going to the desert. I need you to forgive me before I go. Please....

MAGDALENE

Oh, I see. You said I'll have a day with you. And then you come in here with your head down saying "Forgive me. Forgive me." It's not that

easy. Just because you need forgiveness, don't ask me to do it.

JESUS

Look, Mary, look at this. God came to change this...to save your soul.

MARY

You've already broke my heart. Just get away from me. I hate both of you.

JESUS

Hate me; blame me. It's all my fault, but not God's.

MARY

Who made me feel this way about God?

JESUS

I KNOW - that's why I'm here. So I want you to forgive me. I'll pay my debt. Mary, do you remember?

MARY

No, I don't remember. Why should I? You're not a man. You're the

same as all the others, only you can't admit it. You're pitiful. I hate you!..Turn away, don't look at me. Here's my body. Save it! Save it! You don't have the courage to be like other men. Don't look at me! I do remember when we were children. Never have I felt so much tenderness toward anyone as I felt with you that night. All I wanted was you, nothing else.

SCENE 3, JESUS IS PREPARED TO KILL FOR MAGDALENE.

Jesus and Judas are talking about Magdalene. Jesus betrays his love for her and shows his animosity, to kill those who were stoning his love.

JESUS

When those people were torturing (stoning) Magdalene, I wanted to KILL them. But no, I opened my mouth and out came the word "love." Why? I

don't know.

JESUS POSSESSED

Contrary to the historical Christ that drove out evil spirits from the afflicted people, the Principal Defendants have defamed the person of Christ by showing in the said film that he was possessed of the fallen spirit, Lucifer, thus implicitly denying his divinity.

SCENE 4, PLACE: AN ASCETIC COMMUNITY.

Jesus is talking to a man

MAN

The more devils we have inside of us, the more of a chance we have to repent.

JESUS

I am a liar, I am a hypocrite, I am afraid of everything... Lucifer is inside of me. He says to me, "You are not the son of King David. You are not a man. You are the Son of Man and more. The Son of God. And more than that. God.

SCENE 5, JESUS IS SEDUCED

Jesus is seduced by a fallen angel to walk away from the cross in a dream, and he takes Mary Magdalene as his woman and accomplishes his sexual fantasy to have sex with her

SCENE 6, JESUS BECOMES A MORTAL FATHER

Magdalene is struck by a supernatural blow of light, and she dies. Jesus is heartbroken and the fallen angel who seduced him to walk away from the cross returns to console him with:

ANGEL

It was God's way. Listen, there's only one woman in the world - one woman with many faces. This one falls, the next one rises. Mary Magdalene died, but Mary lives through her sister. She lives. She is Magdalene with a different face She's carrying your greatest joy inside her, your son.

SCENE 7, JESUS CONFESSES HIS MISTAKES INCLUDING HIS PATH TO FIND GOD.

JESUS

I'm ashamed when I think of it.

ANGEL

What?

JESUS

Of all the mistakes I've made, of all the wrong ways I've looked for God

SCENE 8, JESUS COMMITS ADULTERY.

Inspired by the fallen angel, Jesus marries Mary, one of the Lazarus sisters and has children with her. One day, Mary is out and he is sitting with Martha, the sister of Mary, and the angel. Jesus and Martha talk.

JESUS

Where's Mary?

MARTHA

She won't be back until this evening. Come inside, it's too hot out here

ANGEL

There's only one woman in the world Go inside

Jesus like a dumb thing goes into the house to have sex with Martha

Although the film shows that Jesus finally returns to the cross and dies on the cross, and the entire episode of his sexual fantasies is a mental freak out, it is established clearly that Jesus had lustful and carnal inclinations with Magdalene, and in his own mind, he was prepared to commit adultery with Mary and Martha, the sisters of his dear friend and disciple Lazarus

17 The Plaintiff alleges that according to EXHIBIT II to this complaint, which gives a cross section of Jesus' life, drawn from biblical records, there was NO LAST TEMPTATION for Jesus on the cross, which is a false story used by the Defendants to defame the person of Jesus Christ According to biblical and

historical records of his life as in the eyewitnesses' statements in the Gospels, Jesus was tempted by the devil before he started his ministry, as recorded in Luke 4:1-13, in Matthew 4:1-11, and Mark 1:12-13, all of which point to the fact that when the devil tempted Jesus to have worldly power and wealth, he resisted him and rebuked him with, "Get thee hence Satan: for it is written thou shalt worship the Lord thy God, and him only shalt thou serve " With this rebuke, Satan left him and the evil spirits knew that he was the anointed one of God (Mark 1:24) There is no reference in the Bible or the Gospels that Satan returned thereafter to tempt the anointed one again. As quoted in EXHIBIT II Jesus was exercising throughout his ministry, his divine power to destroy the works of the devil: healing peoples' sicknesses and delivering them of the evil spirits With this display of awesome Creator power, the devil had no chance to

tempt Jesus again. This power over everything Jesus confesses to his disciples with, "All power is given unto me in heaven and in earth." (Matthew chapter 28, verse 18). Therefore, the "last temptation of Christ" on the cross as portrayed in the said film is totally false and fraudulent, and has been used by the Defendants with the deliberate intention to defame and malign the flawless personality and of Christ - to denigrate his character, that he had lustful intentions and wanted to commit adultery with his own mortal children

In contrast to the false and defamatory portrayal of Jesus' relationship with Magdalene and the Lazarus sisters, the Plaintiff cites EXHIBIT VI, (Appendix: Pgs 88-94),biblical references to prove that the real Jesus Christ had a respectable relationship with Mary Magdalene and the Lazarus sisters Plaintiff asserts, based on EXHIBIT VI,

that both Mary and Martha, as did Lazarus and Mary Magdalene, acknowledged that Jesus was the Christ, the messiah of Israel. Jesus' relationship with Mary Magdalene and the Lazarus sisters was one of pure spiritual love, and nothing carnal. There is no record in the Gospels, or from any other historical source to suggest that Jesus had any carnal relationship, either with the Lazarus sisters, or Mary Magdalene. The Plaintiff therefore alleges that the Principal Defendants' portrayal of Jesus' sexual relationship with the three women was contrived falsely to denigrate and assassinate his character. Plaintiff alleges that beyond the crude and vulgar denigration of Christ's character, the Principal Defendants, in using the defamatory material, sought to carry out an underlying religious message that Jesus of Nazareth was not the Christ -the Messiah the prophets have spoken of - thus

surreptitiously carrying out an anti-Jesus campaign

18. Besides the eyewitness account of the life of Jesus contained in the four Gospels, the salient topics of which have been included in exhibit 11, the Plaintiff draws by reference Part IV of the Urantia Book, which gives the complete life and mission of Jesus Christ, the incarnated CREATOR OF THE UNIVERSE - to establish the immaculate human personality of Jesus, and to prove that the Principal Defendants falsely and recklessly defamed the incarnated Christ in their film, "THE LAST TEMPTATION OF CHRIST " Plaintiff states, based on his information, that the URANTIA PAPERS gives yet another authentic historic version of the life and mission of Jesus, as these Papers have been authored by supernatural beings who were resident in the Planet at the time of the birth and mission of Jesus. EXHIBIT VII (Appendix, Pages 272-288) gives a

glimpse of these papers in the form of selected extracts. The Plaintiff will be ready to provide the entire volume on the life of Jesus, or the entire URANTIA BOOK for the information of this court, if so required.

19. Plaintiff alleges that the Defendants chose to defame the character of Jesus for the dual purpose of profiteering and malice: profiteering by massive propaganda and publicity to the controversial story, and malice through a new propaganda that Jesus was not a perfect man as the Bible portrays, but a weak, imperfect man, not a Savior of sinners, but a sinner himself, not God incarnate but an imperfect man attempting to become God. The key executives and producers of the Principal Defendants have been driven by a spirit of greed and malice to produce a film that ridiculed the impeccable image of Christ and thereby insult millions of true believers of

Christ. The Plaintiff affirms that he is one of such believers of Christ so insulted and ridiculed.

20 Plaintiff affirms his right to defend the religious faith he belongs to, to affirm his religious freedom to worship a Supreme Being of his choice, who is Jesus Christ. Plaintiff alleges that the Defendants have seriously interfered with the Plaintiff's and other believers' religious freedom, by assassinating the character of the Supreme Being he and others believe in. The Defendants have done this recklessly, for profiteering and for promoting their own religious vendetta. They have abused the privilege of the First Amendment, wrongful seeking protection under it while infringing the right of others to freedom of religion and worship which the Constitution guarantees.

21 Plaintiff alleges that the Defendants have no protection of free speech that was false and defamatory, such

as the said film was. The Plaintiff also alleges that the Defendants' film was in effect "spreading false information in and of itself", and therefore had no First Amendment protection. Plaintiff asserts that the Defendants have therefore no right or protection to produce and exhibit the said film, which is a fabricated tissue of falsehood, with the deliberate intent to defame and assassinate the character of Jesus Christ, a public and religious figure.

22. Defendant MCA, INC., through its chairman, Lew Wasserman, was issued a notice by Plaintiff on March 31, 1989, by certified Mail, that the Defendants, by producing and exhibiting the said film, were defaming Jesus Christ, the incarnated CREATOR OF THIS UNIVERSE , and provided additional documentation to the effect that Jesus was indeed the incarnated CREATOR, (from URANTIA PAPERS, copy of extracts included in Exhibit VIII: See

Appendix, Pgs 272-288) Defendants were requested to immediately stop exhibiting the defamatory film Lew Wasserman/ his representative received the certified mail (No: P114039479) on April 5, 1989 Plaintiff received the return receipt on April 7, 1989, a copy of which is included in EXHIBIT VIII Lew Wasserman/his representative kept the certified mail till April 10, 1989 and returned it, manipulating the postal officials, who recorded on the face of the envelope that the certified mail was refused by Lew Wasserman (Copy included in EXHIBIT VIII) Plaintiff therefore alleges that Defendant MCA INC , besides the public objections on the defamatory film, had full knowledge that it was defaming falsely, the public figure of Jesus Christ , THE INCARNATED CREATOR OF THIS UNIVERSE Plaintiff alleges further that the Principal Defendants are still continuing to abuse wrongfully, their First Amendment rights

by exhibiting the film, and are continuing to falsely assassinate the character of Jesus Christ.

23. Plaintiff alleges that the false and fraudulent portrayal of Jesus' character by the Principal Defendants may be taken as real by millions of non-Christian people, in this nation and the rest of the world, who may see the film, hear about its story or read about it, and the chances of Jesus being misunderstood as a TRAITOR, a SINNER and LIAR is greater in the third world, where Christianity is a minority religion. Also,the minority Christians in those nations may be ridiculed and embarrassed and put in a defensive posture by this film which assassinates the character of their God.

24. The Plaintiff submits that if the Defendants are not restrained from exhibiting the said defamatory film, it will damage further the image and character of Jesus Christ, the Creator-

Father of millions of believers in this nation and other nations of the world. Besides, it would permit continued abuse of the First Amendment rights by the Principal Defendants and it will provide further incentive to other film producers to make such films defaming Christ even more, and make films on other public and religious figures falsely and with impunity, in the garb of fiction or art.

(Plaintiff submits that the abuse of art to denigrate Jesus Christ has been exploited by an artist. This time, it isn't just denigration of his character, but Jesus and his crucifix, the symbol of faith of millions of believers, have been drowned physically in the artist's urine itself.)

SECOND CAUSE OF ACTION

INTERFERENCE AND INFRINGEMENT OF RELIGIOUS FREEDOM.

25 Plaintiff incorporates herein by reference, paragraphs 1 to 24 of the complaint

26 Plaintiff states that he did see the film when it was released, and he was offended and shocked by the film. Plaintiff believes, based on his information, parts of which are included in EXHIBIT I (See Appendix, Pages 6-16), that the Defendants, by degrading the public figure of Jesus Christ, have sought to disturb the harmony, tranquility and peace of individuals, families and communities in this nation, which the Constitution seeks to secure The Defendants, by their callous disregard to the religious rights of the Plaintiff and such other people, have caused great injury to their religious self-respect, decorum and pride of worship, in this nation and other nations of the world. The damage caused by the Defendants to the believers of the world is substantial, as

the film ridicules their faith and insults the central core of their worship, which is difficult especially for the young children to understand and cope with To the young children exposed to the adverse propoganda of the film through the media, it would be difficult for them to discriminate whether Jesus was a sinner or not? Did God have sex with his own children? Was he a coward, a liar and a traitor? Was he demon possessed?

27 The Plaintiff alleges that the Principal Defendants and their key officers have wilfully sought to defame Jesus Christ, because they by and large do not share in the religious sentiments and beliefs of those demoralized by their film The Plaintiff alleges further that the Principal Defendants would never have produced a film of this kind for worldwide distribution, if it would wound in any way, the religious sentiments of their own faith and community They have thus sought

to ride roughshod over the beliefs and sentiments of others because of their perverted religious zeal, to insult one of the world's largest faiths.

28. The Plaintiff alleges that the Defendants in taking the First Amendment to their protection and advantage, have not considered the rights of the Plaintiff and others, which the Constitution guarantees by way of religious freedom. The Plaintiff submits the First Amendment "will not enforce freedom of speech in disregard to the rights of others," and therefore, the Defendants have no right to exhibit the defamatory film, as it infringes the freedom of religion and worship of the Plaintiff and other believers.

THIRD CAUSE OF ACTION

INJURY

29 Plaintiff incorporates herein by reference, paragraphs 1 to 24 and 26 to 28 to the complaint.

30 Plaintiff alleges that the Defendants have humiliated, demoralized, agonized and mentally disturbed the Plaintiff and millions of believers of Jesus Christ in this nation and other countries of the world by portraying their God, Creator and Savior falsely and deliberately in the said film as a sinner, liar and a moral wreck

31 The Defendants by the above described defamation have attempted to demolish the immaculate image of Christ which millions of believers of Christ hold as personal and sacred, and thereby caused immeasurable harm to their mental, psychological and spiritual health The Plaintiff alleges that these damages will have far reaching consequences on his peace and welfare and that of many individuals and their families, especially young children, who may be demoralized by the said film which depicts Christ, their Savior, - the focus of their Sunday school

inspiration,- as a sinful, lying, weak, incestuous and adulterous character

FOURTH CAUSE OF ACTION.

DEFAMATION OF THE GOD OF THE REPUBLIC.

32 The Plaintiff incorporates herein by reference, para 1 to 24, and 26 to 28 to the complaint

33 Plaintiff alleges that the Defendants not only defamed Jesus Christ, but in truth have defamed the CREATOR OF THE UNIVERSE, as evidenced in the Urantia Paper No: 120 included in EXHIBIT VII (See Appendix, Pgs 272-288) This is the CREATOR the framers of the Constitution recognized The Plaintiff alleges further that the Defendants have ridiculed the Constitution by defaming the GOD which this nation trusts and worships ("In God We Trust ") The Plaintiff alleges furthermore that the Defendants are wilfully and falsely, and with full knowledge - inspite of due notice to Defendant MCA, INC, given by the

Plaintiff, continuing to defame the GOD and CREATOR OF THIS UNIVERSE by exhibition of the said film

FIFTH CAUSE OF ACTION

PERMANENT INJUNCTION

34 Plaintiff incorporates by reference, paragraphs 1 to 24, 26 to 28, 30, 31 and 33 to the complaint

35 Plaintiff alleges that the Defendants' misrepresentation and defamation of the public and religious figure of Jesus Christ and assassination of his character through the said film will continue, the injury caused by such a defamatory publication to the Plaintiff and all believers of Christ in all the nations of the world will also continue unless and until the Defendants' wrongful actions are enjoined by the order of this court

36 The Plaintiff submits that the Defendants have misrepresented the facts of their defamation of Christ through

media publicity, and used the media they can influence to justify their offence and cover up their default. Whereas the Plaintiff and millions of individual believers have no such comparable access and resources to rebuttle and expose the defamatory acts of the Defendants and inform the public of all their deeds.

37 The Plaintiff submits that he has no adequate remedy at law for the damages caused falsely and wilfully by the Defendants in the said film, to the person of Christ, his Spiritual Father, and resultant injuries suffered by the Plaintiff and millions of believers of Christ, unless the Defendants' exhibition of the film is restrained.

38 Plaintiff will amend this petition at a later date to include damages, including punitive damages.

Wherefore Plaintiff prays judgement against Defendants as follows:

ON ALL CAUSES OF ACTION:

A. For a permanent injunction, all enjoining Defendants and each of them, their agents, servants and employees and all persons acting in concert for them from further publication or distribution of the said film, THE LAST TEMPTATION OF CHRIST, including video cassettes and all other film material in any other electronic or film format, in all media, in all territories of the United States and the rest of the world, and destruction of all negatives, positives, prints, tapes, books, records and advertisement

ON ALL CAUSES OF ACTION:

B. For costs of the suit incurred herein; and

C. For such other and further relief as the court deem proper

Dated Aug 7, 1989

Respectfully submitted

(VEDA NAYAK)

(PLAINTIFF PRO SE)

BIBLICAL REFERENCES TO DEFINE THE DIVINE

AND

HUMAN CHARACTER OF CHRIST.

(HOLY BIBLE, FAMILY FAITH EDITION).

EXTRACTS ON THE DIVINITY

AND HUMANITY OF CHRIST.

1 JESUS IS CHRIST - GOD INCARNATE.

(a). ISAIAH: "Therefore the Lord himself shall give you a sign Behold a virgin shall conceive and bear a son and shall call his name IMMANUEL". (Isaiah chapter 7, verse 14) (* Immanuel means "GOD WITH US ")

(b) MICAH: "But thou Bethlehem Eph'ra-tah, though thou be little among the thousands of Judah, yet out of thee shall he come forth unto me that is to be ruler in Israel, whose goings forth have been from old, from EVERLASTING" (Micah chapter 5, verse 2)

DIVINITY OF CHRIST:

(c) ISAIAH: "The voice of him (John the Baptist) that crieth in the wilderness, Prepare ye the way of the LORD (Christ), make straight in the desert a highway for our Lord (Isaiah chapter 40, verse 3)

(d) ISAIAH: "Hearken unto me, O Jacob and Israel, my called; I am he, I am the first, I am also the last. Mine hand also laid the foundation of the Earth and my right hand hath spanned the heavens: when I call unto them, they stand up together . Come ye,hear unto me, hear ye this; I have not spoken in secret from the beginning; from the time it was there am I: and now the Lord God, and his spirit hath sent me (Isaiah chapter 48, verse 12-13 and 16)

(e) JEREMIAH: "Behold the days come, saith the Lord, that I will raise unto David a righteous Branch, and a king shall reign and prosper and shall execute judgement and justice in the earth. In his days Judah shall be saved and Israel shall dwell safely and this is the name whereby he shall be called, THE LORD OF OUR RIGHTEOUSNESS." (Jeremiah chapter 23, verses 5-6)

(f). JOHN THE BAPTIST (about Christ): "He that cometh from above is above all; he that is of the earth is earthly, and speaketh of the earth. he that cometh from heaven is above all. The Father loveth the Son and hath given all things into his hand. He that believeth on the Son hath everlasting life: and he that believeth not the Son shall not see life; but the wrath of God abideth on him." (John's Gospel, chapter 3, verses 31,35,36)

(g). JOHN THE BAPTIST (*about Christ): "And I knew him not: but he that sent me to baptize with water, the same said unto me, upon whom thou shalt see the spirit descending and remaineth on him, the same is he which baptizeth with the Holy Ghost. And I saw and bore record that this is THE SON OF GOD." (John's Gospel, chapter 1,verses 33-34)

(h). JOHN, THE DISCIPLE OF JESUS (about Jesus): "All things were made by

him; and without him was not made anything that was made. In him was life and the life was the light of men... That was the TRUE LIGHT, which lighteth every man that cometh into the world. He was in the world and the world was made by him and the world knew him not. He came unto his own and his own received him not. But as many as received him, to them he gave the power to become sons of God, even to those that believe on his name. Which were born not of blood, nor of the will of the flesh, nor of the will of man, but of God. And the WORD (Christ) was made flesh and dwelt among us and we beheld his GLORY, as of the only begotten of the FATHER, full of GRACE AND TRUTH." (John chapter 1, verses 3,4,9 to 14)

(1) ST. PAUL (on Christ): "For by him were all things created that are in heaven and that are in earth, visible and invisible, whether they be thrones or dominions, or principalities or powers:

all things were created by him and for him " (Colossians chapter 1,verses 16,17).

CHARACTER AND HOLINESS OF CHRIST.

(j) THE PSALMIST (about Christ): "For the Lord is our defence and the HOLY ONE of Israel is our king Then thou speakest in vision to thy HOLY ONE and saidst, I have laid upon one that is mighty; I have exalted one chosen out of the people " (Psalm 89, verses 18,19)

(k) MAN POSSESSED (about Christ): "What have we to do with thee,thou Jesus of Nazareth? art thou come to destroy us? I know thou thee who thou art, the HOLY ONE OF GOD " (Mark chapter 1, verse 24).

(l) ST PAUL(about Christ - sinless): "For he hath made him to be sin for us, WHO KNEW NO SIN; that we might be made the righteous of God in him " (2 Corinthians ,chapter 5, verse 21)

(m) ST PETER (Of Christ): "But ye denied the HOLY ONE and the JUST and desired a murderer to be granted unto you;

And killed the PRINCE OF LIFE, whom God hath raised from the dead; whereof we are WITNESSES." (Acts 3:14-15).

(n) ST PETER (Of Christ): "WHO DID NO SIN, neither was guile found in his mouth "(1 Peter chapter 2, verse 22).

(o) ISAIAH (Of Christ): "And RIGHTEOUSNESS shall be the girdle of his loins and FAITHFULNESS, the girdle of his reins " (Isaiah chapter 11, verse 5).

(p) ST JOHN (Of Christ): "And we know that the Son of God is come, and hath given us an understanding, that we may know him that is TRUE, even Jesus Christ This is the TRUE GOD and ETERNAL LIFE. (1 John chapter 5, verse 20)

(q) JESUS CHRIST ON HIS MISSION: "I am the light of the world, he that followeth me shall not walk in darkness but shall have the light of life... And he that sent me is with me, the Father hath not left me alone for I do always those things that please him ..If God were your

Father, ye would love me; for I proceeded forth and came from God: neither came I myself, but he sent me. yet ye have not known him and if I say I know him not, I shall be a LIAR like unto you: but I KNOW him and keep his saying " (John chapter 8, verses 12,29,42, and 55)

BIBLICAL EXTRACTS ON THE LOVE, COMPASSION AND MINISTRY OF JESUS.

(a). Jesus healed a noble man's son: (John 4:46-54)

(b) Many sick healed: (Luke 4:42-44, Mark 1:35-39)

(c) A paralytic healed:(Mark 2:1-12, Matt 9:1-8, Luke 5:17-26)

(d) Widow's son raised from the dead: (Luke 7:11-17)

(e) Demoniac healed:(Mark 5:1-20, Matt 9:18-26, Luke 8:40-56)

(f) Blind man healed: (Matt 9:27-31)

(g) Dumb man healed: (Matt 9:32-34).

(h). Raising Lazarus from the dead: (John 11:1-46).

(i). Ten lepers healed: (Luke 17:11-19).

(j). Feeding the people: (Matt 14:15-21, Mark 6:35-44, Luke 9:12-17, John 6:14,15).

BIBLICAL EXTRACTS ON THE LOVE AND COMPASSION OF JESUS:

ISAIAH (On Christ): "He shall feed his flock like a shepherd: he shall gather the lambs with his arm and carry them in his bosom, and gently lead those with young "(Isaiah chapter 40, verse 11).

MATTHEW: "And Jesus went forth and saw a great multitude and was moved with compassion toward them and he healed their sick (Matthew chapter 14, verse 14).

MATTHEW: "Then Jesus called his disciples unto him and said, I have compassion on the multitude, because they continue with me now three days and have nothing to eat: and I will not send them

away fasting, lest they faint on the way " (Matthew chapter 15, verse 32)

BIBLICAL EXTRACTS TO PROVE JESUS' KNOWLEDGE OF HIS MESSIANIC ROLE.

JESUS(*On his mission): "I am the good shepherd and know my sheep and am known of mine As the Father knoweth me, even so know I the Father, and I lay down my life for the sheep " (John chapter 10, verses 14-15)

JOHN'S GOSPEL: "The woman saith unto him (Jesus), I know that the Messiah cometh, which is called the Christ: When he is come, he will tell us all these things Jesus saith unto her, I THAT SPEAK UNTO THEE AM HE "(John chapter, verses 25-26)

JESUS(On his mission): "For as the Father hath life in himself: so hath he given to the Son to have life in himself And hath given him authority to execute judgement also because he is the SON OF MAN I can of mine own self do nothing:

as I HEAR I judge and my judgement is just: because I seek not mine own will but the will of the Father which hath sent me " (John chapter 5, verses 26,27 and 30).

JESUS(* On his mission): "For I came down from heaven not to do mine own will, but the will of him that sent me And this is the Father's will which hath sent me, that of all which he hath given me I should lose nothing,but should raise it up again at the last day And this is the will of him that sent me that everyone which seeth the Son and believeth on him may have everlasting life: and I WILL RAISE HIM UP on the last day " (John chapter 6, verses 38-40).

JESUS(On himself and his Father): "I am the WAY, the TRUTH and the LIFE: No man cometh unto the Father but by me Philip saith unto him, Lord, show us the Father and it sufficeth us Jesus saith unto him, Have I been so long time with you, and yet

hast thou not known me, Philip? HE THAT HATH SEEN ME HAS SEEN THE FATHER, and how sayest thou then, show us the Father? Believest thou not that I am in the Father, and the Father is in me? the words that I speak unto you, I speak not of myself but the Father that dwelleth in me, he doeth the works Believe me that I am in the Father, and the Father in me: or else believe me for the very works' sake " (John chapter 14, verses 6,9,10 and 11).

JESUS' RELATIONSHIP WITH MARY MAGDALENE (FROM THE GOSPELS):

ST LUKE - THE GOSPEL WRITER: "And it came to pass afterward, that he went throughout every city and village, preaching and shewing the glad tidings of the kingdom of God: and the twelve were with him, And certain women, which had been healed of evil spirits and infirmities, Mary called Magdalene, out of whom went seven devils " (Luke chapter 8, verses 1,2)

JOHN THE DISCIPLE: "The first day of the week cometh Mary Magdalene early, when it was yet dark, unto the sepulchre, and seeth the stone taken away from the sepulchre. Then she runneth, and cometh to Simon Peter, and to the other disciple, whom Jesus loved, and saith unto them, They have taken away the Lord out of the sepulchre, and we know not where they have laid him. Peter therefore went forth, and that other disciple, and came to the sepulchre. So they both ran together: and the other disciple did outrun Peter, and came first to the sepulchre. And he stooping down and looking in, saw the linen clothes lying; yet he went not in. Then cometh Simon Peter following him, and went into the sepulchre, and seeth the linen clothes lie, And the napkin, that was about his head, not lying with the linen clothes, but wrapped together in a place by itself. Then went in also that other disciple, which came first to the

sepulchre, and he saw, and believed For as yet they knew not the scripture, that he must rise again from the dead Then the disciples went away again unto their own home But Mary stood without at the sepulchre weeping: and as she wept, she stooped down, and looked into the sepulchre, And seeth two angels in white sitting, the one at the head, and the other at the feet, where the body of Jesus had lain And they say unto her, Woman, why weepest thou? She saith unto them, Because they have taken away my Lord, and I know not where they have laid him And when she had thus said, she turned herself back, and saw Jesus standing, and knew not that it was Jesus Jesus saith unto her, Woman, why weepest thou? whom seekest thou? She, supposing him to be the gardener, saith unto him, Sir, if thou have borne him hence, tell me where thou hast laid him, and I will take him away Jesus saith unto her, Mary She turned

herself, and saith unto him, Rabboni; which is to say, Master. Jesus saith unto her, Touch me not; for I am not yet ascended to my Father: but go to my brethren, and say unto them, I ascend unto my Father, and your Father; and to my God, and your God. Mary Magdalene came and told the disciples that she had seen the Lord, and that he had spoken these things unto her." (John chapter 20, verses 1 to 18)

JESUS' RELATIONSHIP WITH MARY AND MARTHA, THE SISTERS OF LAZARUS (FROM THE GOSPELS):

JOHN THE DISCIPLE: "And many of the Jews came to Martha and Mary, to comfort them concerning their brother. Then Martha, as soon as she heard that Jesus was coming, went and met him: but Mary sat still in the house. Then said Martha unto Jesus, Lord, if thou hadst been here, my brother had not died. But I know, that even now, whatsoever thou wilt ask of God, God will give it thee. Jesus saith unto her, Thy brother shall rise again. Martha

saith unto him, I know that he shall rise again in the resurrection on the last day. Jesus said unto her, I am the resurrection and the life: he that believeth in me, though he were dead, yet shall he live: And whosoever liveth and believeth in me shall never die. Believest thou this? She saith unto him, Yea, Lord: I believe that thou art the Christ, the Son of God, which should come into the world. Then when Mary was come where Jesus was, and saw him, she fell down at his feet, saying unto him, Lord, if thou hadst been here, my brother had not died. When Jesus therefore saw her weeping, and the Jews also weeping which came with her, he groaned in the spirit, and was troubled, And said, Where have ye laid him? They said unto him, Lord, come and see. Jesus wept. Then said the Jews, Behold how he loved him! And some of them said, Could not this man, which opened the eyes of

the blind, have caused that even this man need not have died? Jesus therefore again groaning in himself cometh to the grave It was a cave, and a stone lay upon it Jesus said, Take ye away the stone. Martha, the sister of him that was dead, saith unto him, Lord, by this time he stinketh: for he hath been dead four days Jesus saith unto her, Said I not unto thee, that, if thou wouldst believe, thou shouldest see the glory of God? Then they took away the stone from the place where the dead was laid. And Jesus lifted up his eyes, and said, Father, I thank thee that thou hast heard me. And I knew that thou hearest me always: but because of the people which stand by I said it, that they may believe that thou hast sent me. And when he thus had spoken, he cried with a loud voice, Lazarus, come forth. And he that was dead came forth, bound hand and foot with grave clothes: and his face was bound about with a napkin. Jesus saith

unto them, Loose him and let him go (John chapter 11, verses 19-27, 32-44)

JOHN THE DISCIPLE: "Then Jesus six days before the passover came to Bethany, where Lazarus was which had been dead, whom he raised from the dead There they made him a supper, and Martha served: but Lazarus was one of them that sat at the table with him Then took Mary a pound of ointment of spikenard, and anointed the feet of Jesus, and wiped his feet with her hair: and the house was filled with the odour of the ointment Then saith one of his disciples, Judas Iscariot, Simon's son, which should betray him, Why was not this ointment sold for three hundred pence, and given to the poor? This he said, not that he cared for the poor; but because he was a thief, and had the bag, and bare what was put therein Then said Jesus, Let her alone: against the day of my burying hath she kept this (John 12: verses 1-6)